



# **FREEDOM OF INFORMATION AND PRIVACY ACTS**

**SUBJECT: Roy M. Cohn**

**FILE NUMBER: 58-5100**

**PART: 3 of 23**



## **FEDERAL BUREAU OF INVESTIGATION**

SUBJECT Roy M. Cohn

FILE NUMBER 58-1232

VOLUME NUMBER 2



FILE STRIPPED  
BY *MC* ON *12/31/22*

58-1232.

The following original FD-302's turned  
over to U.S.A. Morgenthau by SA. [REDACTED]  
9/18/63.

103' u: [REDACTED] 4/17.

104' u: records of [REDACTED] 4/12/62.

105' u: " " [REDACTED] 4/1.

106' u: [REDACTED] 4/1.

107' u: records of [REDACTED] 5/11/62.

108' u: [REDACTED] 5/11/62.

109' u: [REDACTED] 5/11/62.

110' u: [REDACTED] 5/24/62.

111' u: [REDACTED] 5/24/62.

112' u: [REDACTED] 5/24/62.

113' u: records of [REDACTED] 5/24/62.

142' u: records of [REDACTED] 5/24/62.

143' u: [REDACTED] 6/1/62.

144' u: [REDACTED] 6/1/62.

145' u: [REDACTED] 6/6/62.

146' u: [REDACTED] 6/6/62.

147' u: [REDACTED] 6/6/62.

Co. 6/7/62.

b7c d. (Retain on top of file)

148' u: [REDACTED] 6/7/62.

149' u: records regarding Morton S. Robson

158' u: [REDACTED] 6/18/62.

159' u: [REDACTED] 6/18/62.

160' u: [REDACTED] 6/18/62

161' u: [REDACTED] 6/18/62.

163' u: [REDACTED]

Record [REDACTED] 6/18/62.

164' u: [REDACTED] 6/19/62.

165' u: [REDACTED] 6/19/62

b7c.d

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

\_\_\_\_\_ Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- ☐ Deleted under exemption(s) \_\_\_\_\_ with no segregable material available for release to you.
- ☐ Information pertained only to a third party with no reference to you or the subject of your request.
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Headquarters file 58-5100

☒ The following number is to be used for reference regarding these pages:  
58-1232-101

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X DELETED PAGE(S) X  
X NO DUPLICATION FEE X  
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6/2/62

PLAIN TEXT

SECRET

TO: DIRECTOR, FBI [REDACTED]  
FROM: SAC, NEW YORK [REDACTED]  
SUBJECT: [REDACTED]

b7c  
|

The following information was obtained from [REDACTED] on the following dates.

b2

Extreme care and caution should be used concerning information furnished by this informant, and if the information is used in any manner, it should be paraphrased so as not to compromise this valuable informant.

Date of Activity 2/24/62  
Date Received 2/24/62

[REDACTED]

b7c

- 1 - Bureau [REDACTED]
- 1 - [REDACTED] (1-32-3100)
- 1 - New York [REDACTED]
- 1 - New York [REDACTED]
- 1 - New York [REDACTED]
- 1 - New York [REDACTED]

b7c

58-1232-102

22

b7c

b7c (13)

[REDACTED]



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XXXXXXFEDERAL BUREAU OF INVESTIGATION  
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☐ For your information: \_\_\_\_\_  
\_\_\_\_\_

☒ The following number is to be used for reference regarding these pages:

58-1232-102 pg 132, 34, 5, 6

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X NO DUPLICATION FEE X  
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FBI

Date: May 31, 1962

Transmit the following in \_\_\_\_\_

(Type in plain text or code)


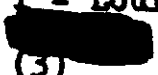
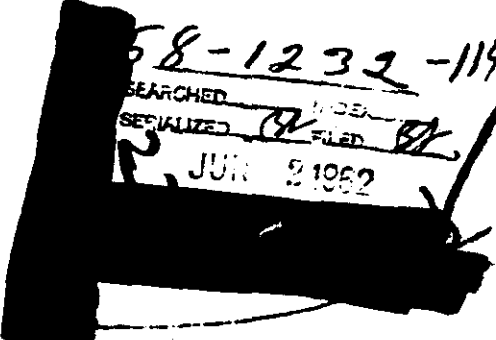
Via A I R T E LA I R M A I L

(Priority or Method of Mailing)

TO: SAC, NEW YORK (58-1232)

FROM: *[Signature]* SAC, LOUISVILLE (58-75) (RUC)SUBJECT: MORTON ROBSON,  
Former AUSA, SDNY;  
ROY COHN  
BRIBERY

Re New York airtel dated 5/17/62.

 b7C  
The above comes from the personal knowledge ofb7C  
SA   
② - New York  
① - Louisville  
b7C   
(3)58-1232-114  
SEARCHED \_\_\_\_\_ INDEXED \_\_\_\_\_  
SERIALIZED *[initials]* FILED *[initials]*  
JUN 2 1962  
 b7CApproved: \_\_\_\_\_ Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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Headquarters file 58-5100

☒ The following number is to be used for reference regarding these pages:  
58-1232-115

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FOR THIS PAGE  
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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: June 3, 1962

FROM : SAC, CHICAGO (58-466) (RUC)

SUBJECT: MORTON SOBSON,  
FORMER AUSA;  
BOY COIN  
BRIBERY  
OO: NEW YORK

Reurairtel to Chicago 5/21/62.

[REDACTED] b7  
C  
D  
New York will return the guide to Chicago when  
it has served its purpose [REDACTED]  
[REDACTED]

2 - New York (Encl. 1)  
1 - Chicago  
[REDACTED] b7c  
(3)

58-1232-116

SEARCHED	INDEXED
SERIALIZED 12	FILED
JUN 7 1962	
NEW YORK	

[REDACTED] b7c

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Headquarters file 58-5100

☒ The following number is to be used for reference regarding these pages:  
58-1232-117

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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/4/62

FROM : SA [REDACTED] (#23) b7C

SUBJECT: MORTON ROBSON, FORMER AUSA;  
ROY COHN  
BRIBERY

On 5/28/62, a conference on this case was held in the office of USA MORGENTHAU, SDNY. Also present were AUSAS MOLLO, WALPIN, and DONALD COHN. Supervisor [REDACTED] and SA [REDACTED] and the writer were also present. b7

USA advised that they had conducted interviews with [REDACTED] and [REDACTED] on several occasions subsequent to their appearance before the Federal Grand Jury. No memoranda were written concerning these interviews and AUSA WALPIN furnished the following information concerning the interviews: b3 b7 C-1D

[REDACTED]

[REDACTED]

[REDACTED]

b7C

58-1232-118

XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET4

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☐ For your information: \_\_\_\_\_  
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☒ The following number is to be used for reference regarding these pages:

58-1232 - 118 pages 2, 3, 4, 5

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# FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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Headquarters file 58-5100

☒ The following number is to be used for reference regarding these pages:  
58-1232-119, 120

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# FEDERAL BUREAU OF INVESTIGATION FOIPA DELETED PAGE INFORMATION SHEET

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☐ For your information: \_\_\_\_\_  
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☒ The following number is to be used for reference regarding these pages:

58-2132-121 pages 2-8

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XXXXXX  
XXXXXX  
XXXXXXFEDERAL BUREAU OF INVESTIGATION  
FOIPA DELETED PAGE INFORMATION SHEET

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☒ The following number is to be used for reference regarding these pages:  
58-1232-122

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DECODED COPY

☐ Radio☒ Teletype

URGENT

6/5/69

1315 PM

RE

TO SACS NEW YORK AND LOS ANGELES  
NEW YORK VIA WASHINGTON

FROM SAC, LAS VEGAS

MORTON ROBSON, FORMER AUSA, BOY COIN. DELIVERY

RE NEW YORK TEL TO DIRECTOR JUNE FIVE LAST.

FOLLOWING INVESTIGATION CONDUCTED LAS VEGAS, NEVADA BY SA

JUNE SIX LAST.

6/1/69 2:10 PM

22

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 7 1969	
FBI - NEW YORK	

b7  
C  
D

b2

FBI

Date: 6/8/62

Transmit the following in \_\_\_\_\_

(Type in plain text or code)

Via AIR TEL

AIR MAIL

(Priority or Method of Mailing)

TO: SAC, NEW YORK (58-1232)

FROM: SAC, INDIANAPOLIS (58-122) (RUC)

NORTON ROBSON, Former AUSA, SDNY;  
ROY COHN  
BRIBERY

OO: New York

Re New York air tel to Bureau dated 5/17/62.

2 - New York  
1 - Indianapolis58-1232-124  
SEARCHED INDEXED  
SERIALIZED FILED  
JUN 11 1962  
NEW YORK

Approved: \_\_\_\_\_

Special Agent in Charge

Sent \_\_\_\_\_

M

Per \_\_\_\_\_

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Headquarters file 58-5100

☒ The following number is to be used for reference regarding these pages:  
58-1232-125

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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/12/68

FROM :

SA [REDACTED]

SUBJECT:

MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made at [REDACTED]

MORTON ROBSON

ROY COHN, 1165 Park Ave - NYC.

58-1232-126

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 13 1968	
FBI - NEW YORK	

[REDACTED]

SAC, NEW YORK (58-1232)

6/12/62

SA [REDACTED]

b7c

NORTON ROBSON;  
ROY COHN  
BRIEFING

Contact should be made at [REDACTED]

b7  
C  
D

NORTON ROBSON

ROY COHN

b7c (2) 18

58-1232-127

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 13 1962	
FBI - NEW YORK	

32



UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE:

6/12/67

FROM :

SA [REDACTED]

b7c

SUBJECT:

MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made [REDACTED]

MORTON ROBSON  
[REDACTED]

ROY COHN  
[REDACTED]

b7  
c  
D

b7c [REDACTED]  
(2) 1 1 0

[REDACTED]

at Miami  
Miami requested by teletype 6-14-67  
to cover lead.

58-1232-128

SEARCHED	INDEXED
SERIALIZED	FILED

b2

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE:

6/17/69

FROM : SA [REDACTED]

b7c

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made [REDACTED]

MORTON ROBSON

ROY COHN

b7c  
D

b7c

(2) [REDACTED]

58-1232-19

SEARCHED	INDEXED
SERIALIZED	FILED

[REDACTED]

b7c

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE:

6/12/62

FROM : SA [REDACTED]

b7c

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made [REDACTED]

MORTON ROBSON

ROY COHN

b7c  
D

b7c

(2)

58-1232-130

SEARCHED	INDEXED
SERIALIZED	FILED

b7c

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE:

6/12/62

FROM : SA [REDACTED]

b7c

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made [REDACTED]

MORTON ROBSON  
[REDACTED]

ROY COHN  
[REDACTED]

[REDACTED]

b7c

[REDACTED]

b7c [REDACTED]

58-1232-131

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 18 1962	

[REDACTED]

b7c

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC NY 58-1232  
Attn: RA White Plains

DATE: 6/8/52

FROM : SA [REDACTED] Sect. 22

b7C

SUBJECT: Morton S. Robson, Former AUSA  
Roy Cohn  
Bribery

Allegations in this case are that for 50,000 dollars, Roy Cohn used Robson and others to have Sam Garfield and others excluded from an indictment re the United Dye Corp in 1959.

Two thirds of the 50 g. was paid to Robson in Las Vegas on 8/23/59. Robson was then an AUSA [REDACTED]

[REDACTED]

Leads

Leads

1. Interview [REDACTED]

[REDACTED]

Any info on Robson's whereabouts that weekend sorely needed.

2. Interview [REDACTED]

[REDACTED]

[REDACTED] Expedite. Call info in to [REDACTED] and submit R/D 3028s soon as possible.

b7C  
D

58-1232-132

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 7 1952	

[REDACTED]  
White Plains RA

SAC NY Attn. RA [REDACTED]  
SA [REDACTED]

6/7/62

SA [REDACTED] 22 58-1232 b7c

Norton Robson  
Bribery

[REDACTED]  
[REDACTED]  
[REDACTED] b7c

58-1235-133

SEARCHED	INDEXED
SERIALIZED	FILED

[REDACTED] b7c

6/12/62

SAC, NEW YORK (58-1232)

SA [REDACTED] b7c

MORRIS ROSSON;  
BOY COHN  
EXHIBIT

Contact should be made at [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] b7c

[REDACTED] D

[REDACTED]

This is a Bu special + should be handled most expeditiously

[REDACTED] b7c

b7c (2) [REDACTED]

58-1232-134

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 14 1962	
FBI - NEW YORK	

[REDACTED] b7c

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/12/68

FROM :

SA [REDACTED] b7c

SUBJECT:

MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made a [REDACTED]  
[REDACTED]  
[REDACTED] b7c

b7c  
(2) [REDACTED]

58-1232-135

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 13 1968	
FBI - NEW YORK	

[REDACTED] b7c ✓



UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/12/62

FROM : SA [REDACTED] b7c

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

Contact should be made at [REDACTED]  
to ascertain if the following have

MORTON ROBSON  
[REDACTED]

ROY COHN  
[REDACTED]

[REDACTED] b7c  
[REDACTED] D  
[REDACTED] If a [REDACTED] for  
ROY COHN is located, it should be reviewed for the trip of  
ROBSON and for any trip by ROY COHN from NYC to Los Angeles  
or Las Vegas for the period of 9/9 through 15/59.

b7c  
(2) [REDACTED]

58-1232-136

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 18 1962	
FBI - NEW YORK	

[REDACTED] ✓  
b7c

SAC, NEW YORK (58-1232)

6/12/62

SA [REDACTED]  
MORTON ROBSON  
ROY COHN  
BRIEF

Contact should be made at the [REDACTED]  
[REDACTED]  
[REDACTED]

If a [REDACTED] is located pertinent records should be checked to see if MORTON ROBSON used [REDACTED] for the period 8/19 through 25/59.

b7c  
(2) [REDACTED]

58-1232-137

SEARCHED	INDEXED
SERIALIZED	FILED
[REDACTED]	

b7c

F B I

Date: 6/11/62

Transmit the following in PLAIN TEXT  
(Type in plain text or code)

Via AIRTEL  
(Priority or Method of Mailing)

TO: DIRECTOR, FBI [REDACTED]

FROM: SAC, NEW YORK [REDACTED]

SUBJECT: [REDACTED] b7c  
AR

[REDACTED] The following information was obtained from  
[REDACTED] on the following date. b2

Extreme care and caution should be used concerning information furnished by this informant, and if the information is used in any manner, it should be paraphrased so as not to compromise this valuable informant.

Date of Activity 5/31/62  
Date Received 5/31/62

[REDACTED] b2

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- 1 - Boston
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Approved: [REDACTED] Sent \_\_\_\_\_ M Per \_\_\_\_\_  
Special Agent in Charge

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NY [REDACTED]

[REDACTED] "(inaudible, Internal Revenue and FBI mentioned) .... [REDACTED] He says I'd advise you to go down. I don't need you after the morning. So I said at least let me wait until I get the subpoena. He says it's better this way."

"So I says all right, I'll go down."

"He asked me if I know this guy, 'Do you know [REDACTED] )?' I've known him 15-20 years."

[REDACTED] "They'll ask how many times you saw him."

[REDACTED] "I'll say call him up and he'll tell ya. Why ya asking me?"

"Now I know he wants to know what I do. So I said I bet you called me up here to see [REDACTED]"

"He called me up in March; he wanted to know where I live and I wouldn't tell him."

"They took out two pictures, 'You know him?' He had [REDACTED] and COHN."

"I said I don't know him. I never met the guy."

"They said to me, 'I know you had more to do with it than you say'."

[REDACTED] "(inaudible, special investigator mentioned)"

"Then I had to sign a paper that he was never in business with me."

[REDACTED] "Or any other business."

[REDACTED] "Or any other business."

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58-1232-139 pages 4, 5, 6, 7

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NY [REDACTED]

[REDACTED]

"It's the same with those senate investigators. You remember those MC CARTHY hearings. That lying (obscene) with the pictures."

[REDACTED] "What gets me is that the worse crooks, guys like ROY COHN.....he was supposed to run for Congress. How can....."

[REDACTED] "(interrupting) He may get indicted."

[REDACTED] "Look what he is today."

[REDACTED] "Yeah. He made a lot of money on his own."

[REDACTED] "Yeah, LIONEL....."

[REDACTED] "Well that's a (obscene) stock swindle. You know that. Look at it. Eight or nine dollars. It went up to thirty dollars. One of his officers got indicted."

"Just ask [REDACTED]"

"I'd like to have what his mother's family paid to the father's judgeship. He was a decent guy. He died of a broken heart."

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58-1232-139 pages 9, 10

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UNITED STATES GOVERNMENT

## Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/8/62

FROM : SA [REDACTED] #227

b7c

SUBJECT: MORTON ROBSON;  
Former AUSA ROY COHN  
BRIBERY

On 5/28/62, AUSA WALPIN advised the writer that there have been three indictments returned concerning the SEC investigation of the United Dye and Chemical Corporation.

The first indictment was returned on 8/25/59. The first witness concerning this indictment was presented in the beginning of August, 1959, and the first report received from the SEC in February or March, 1959.

This 1959 indictment, which is the concern of instant case, is the one which excluded GARFIELD, ROEN, PASTERNAK and SWANN.

The second indictment was returned on 11/2/60. This indictment included the four left off the 1959 indictment plus ALEXANDER GUTERMA and DARDI. This indictment is still pending and there has been no trial in response to it.

The third indictment, which is based on the current trial in the SDNY, concerning UDY Corporation, was returned on 7/14/61, and its 33 defendants are as follows:

SAMUEL S. GARFIELD  
IRVING PASTERNAK,  
ALLEN K. SWANN,  
ALLARD ROEN  
VIRGIL D. DARDI  
HERMAN W. BRANN  
LOUIS LEVIN  
I. F. STILLMAN & CO, INC.  
IRVING F. STILLMAN  
SIDNEY BARCLAY  
CHARLES ROSENTHAL

R. B. GRAVIS, INC.,  
ROBERT B. GRAVIS  
CHARLES M. BERMAN  
CORNELIS DE VROEDT, INC.  
CORNELIS DE VROEDT  
G. F. ROTHSCHILD & CO, INC.  
MC GRATH SECURITIES, INC.  
ROCKWELL SECURITIES CORP.  
GARLAND L. CULPEPPER, JR.  
JOSEPH HERBERT LEDERER,  
J. H. LEDERER COMPANY, INC.

1- New York (58-1232)

(1)

See 1B(1), (2) + (3)

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SERIALIZED	FILED
JUN 11 1962	
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b7c

58-1232-140

NY 58-1232

I. VINCENT POWELL  
MICHAEL KRAMER  
MURRAY PORTER  
EDWARD STONE  
VINCENT P. BARRY  
OSCAR L. GOULD  
JACOB KLEIN

ALBERT WOOD MOORE  
GARRY HOCHMAN  
ROBERT ALLAN a/k/a ALAN  
CHARLES LANDEAU

In addition to the above-listed defendants,  
the following were named as co-conspirators:

ALEXANDER L. GUTERMA  
ROBERT EVELEIGH  
ROBERT C. LEONHARDT  
HYMAN D. LEHRICH  
PAUL M. HUGHES  
JOHN J. MC KENNA  
WILLIAM H. BLAIR  
NATHAN WENDELL

RICHARD W. STEWART  
IRA H. REESE  
ARTHUR E. KING  
MAXWELL MEYERS  
MARIA RAND  
DONALD LEVINE  
JOHN HERSCHORN  
GERSHON KAPLAN

JACK RUDNER

In this indictment the Grand Jury charges  
that the defendants and co-conspirators conspired to  
commit offenses against the US, in violation of Section 77,  
and 78, of Title 15, USC, and the rules and regulations  
issued thereunder by the Security and Exchange Commission.

The indictment alleges as part of this conspiracy  
interstate commerce and the mails were used to sell the common  
stock of the UDY Corporation through the means of a prospectus  
which was not preceded by a registered statement with  
the SEC.

The indictment further charges that defendants and  
co-conspirators employ devices and schemes to obtain  
money and property by means of untrue statement and engage  
in practices which would operate as a fraud upon the  
purchasers of the common stock of the UDY Corporation.

The indictment makes other charges not set forth  
herein. A copy of the indictment will be maintained in the  
1A Exhibit Section of the above file.

UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)  
Att: RA, GARDEN CITY

DATE: 6/19/62

FROM : SA [REDACTED] (#23)

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

## LEAD

Interview [REDACTED]

[REDACTED] testified before Federal Grand Jury on 6/8/62, [REDACTED]

The allegations in this case are that SAM GARFIELD paid \$50,000, two-thirds to MORTON ROBSON, then an AUSA, one-third to ROY COHN to have GARFIELD, PASTERNAK, ROEN, and SWANN excluded from a 1959 indictment concerning stock fraud re United Dye stock. Allegation has also been made that ROY COHN had [REDACTED] placed in the USA's office, SDNY, to make sure that GARFIELD and his group were not indicted.

Ascertain from [REDACTED] the details of his attempts to place [REDACTED] in the USA's office.

- ① - RA, Garden City
- 1 - New York 58-1232

58-1232-141

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 21 1962	
FBI - NEW YORK	

[REDACTED]

Garden City RA

## Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC, NY (58-1232)

DATE: 6/13/63

FROM : SA [REDACTED] #221

b7c

SUBJECT: MORTON ROBBSON;  
ROY COHN  
EMILY

On 6/13/62 [REDACTED]

6/5

58-1232-150

SE	781	24
SA		
[REDACTED]		

b2

# Office Memorandum • UNITED STATES GOVERNMENT

DATE: 6/13/62

TO : SAC, NY (58-1232)

FROM : SA [REDACTED] #221

b7c

SUBJECT: MORTON ROSSON;  
ROY COHN  
BRIBERY

on 6/13/62

[REDACTED]

b7  
C-D

TT 6/13

[REDACTED]

b7c

58-1232-151

FBI - NEW YORK

b7c

[REDACTED]

OPTIONAL FORM NO. 10

# Office Memorandum • UNITED STATES GOVERNMENT

DATE: 6/13/62

TO : SAC, New York (58-1232)

FROM : SA [REDACTED] #221

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

on 6/13/62

[REDACTED]

TT and 6/14

58-1232-153

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INDEXED
FILED

Form with fields for Case No., Date, Description of Serial, and Employee. Includes a section for RECHARGE and Date charged.

Case No.	Date	Description of Serial	Date Changed
58	1232	REMOVED	

Employee: [REDACTED] b7C

RECHARGE Date

Date charged

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# FEDERAL BUREAU OF INVESTIGATION

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UNITED STATES GOVERNMENT

# Memorandum

TO : SAC, NEW YORK (58-1232)

DATE: 6/18/62

FROM : SA [REDACTED] b7c

SUBJECT: MORTON ROBSON;  
ROY COHN  
BRIBERY

Reference memorandum of SA [REDACTED] dated 6/12/62.

[REDACTED] advised on 6/13/62, that [REDACTED] b7c  
[REDACTED] b7c  
[REDACTED] b7c  
[REDACTED] b7c

REARX

*Teletype sent to  
L.A. 6/19/62.*  
[REDACTED] b7c

58-1232-157

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SUBJECT Roy M. Cohn

FILE NUMBER 58-1232 Sub B

VOLUME NUMBER 2

SECRET

CONFIDENTIAL

# Borrowed Big in '59, Cohn Says

By Milton Lewis  
Of The Herald Tribune Staff

Roy M. Cohn conceded yesterday at his perjury-conspiracy trial that he borrowed "a lot of money in late 1959."

It was in September, 1959, according to previous testimony which Mr. Cohn has labeled "a vicious lie," that he shared in a \$50,000 payoff with a Federal prosecutor to save four stock swindlers from indictment.

Under cross-examination in Federal Court, the one-time "boy wonder" prosecutor, now 37, maintained there were no inconsistencies between his trial testimony and sworn statements he had made previously before the grand jury or elsewhere. Mr. Cohn answered at least 20 questions put to him by Assistant U. S. Attorney Gerald Walpin, 32, with such variations as:

"It might very well be."

"I don't recall."

"It is very possible."

"If you say so."

"Could be."

"I'll take your word."

Mr. Cohn vehemently denied that he went to Las Vegas in September, 1959, to "finalize arrangements" to collect "one-third of \$50,000" to prevent the indictment of Samuel S. Garfield, oil promoter and gambler; Allard Roen, manager of the Desert Inn, Las Vegas, and two others.

## 'BORROWING A LOT'

First Mr. Cohn answered "It is very possible" that he arranged a \$40,000 bank loan in Las Vegas in 1959, and then added, "It is of no significance."

"Weren't you borrowing a lot of money in late 1959?" asked prosecutor Walpin.

"True," said Mr. Cohn.

He maintained that the only money he ever received from any of the four swindlers involved in the \$5 million United Dye & Chemical Corp. stock fraud was \$10,000—in cash—from Garfield, and that, Mr. Cohn swore, was in 1961. The defendant insisted this was for various legal services going back to 1957 or 1958, but had nothing to do with the United Dye case.

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NY Herald Tribune

EDITION Late City

DATE 9-11-61

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FBI - NEW YORK	

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Garfield previously testified that the only money he ever gave Mr. Cohn was \$16,866 in cash at the Desert Inn in September, 1959—to keep him, Roen and the other two stock swindlers from indictment that year. The four were subsequently indicted in 1960 and 1961, and pleaded guilty in 1962.

Garfield and Roen, who testified that he gave "two-thirds of \$50,000" in 1959 to a man who identified himself as Morton S. Robson, are yet to be sentenced. Mr. Robson, Chief Assistant U. S. Attorney in 1959, has denied ever receiving any of the money.

### CHARACTER WITNESS

In a rarely used tactic, prosecutor Walpin cross-examined a character witness called by Mr. Cohn, retired Magistrate Edward J. Chapman. Mr. Walpin to Mr. Chapman:

"Did you know that defendant Cohn has socialized frequently and recommended the employment in an executive position with a corporation of which Cohn was an officer one Paul M. Hughes, who pleaded guilty to a stock fraud and has been sentenced?"

"I've heard of no such thing and I don't believe it!" the former magistrate retorted.

"If you had heard of such a thing, would you change your conclusion about Mr. Cohn?"

"I suppose I would."

Paul Windels Jr., New York Regional Administrator for the Securities and Exchange Commission from 1956 to early 1961, testified that as counsel for Mr. Cohn in the summer of 1962 he accompanied him to U. S. Attorney Robert M. Morgenthau's office. According to Mr. Windels, called as a defense witness, Mr. Morgenthau advised Mr. Cohn that if he wanted to submit a memorandum, he could do so.

On Wednesday, Mr. Cohn had testified:

"Mr. Windels offered to leave a memorandum with Mr. Morgenthau and Mr. Morgenthau said, 'I don't think you should.'"

John A. Kiser, a Cohn law partner, testified that he went out to Reno in the summer of 1962 to get Garfield to sign a statement which would exculpate Mr. Cohn from any alleged wrongdoing. Garfield had already pleaded guilty and was giving grand jury testimony against Mr. Cohn, charged with conspiring to obstruct justice in keeping a grand jury from learning how the four swindlers avoided indictment in 1959.

Mr. Kiser testified that he went out to see Garfield

after the latter told him and Mr. Cohn in Manhattan that "an awful lot of people in government want to get 'Mr. Cohn.' Mr. Kiser also quoted Garfield as saying a "deal" had been arranged for the confessed swindlers "to tell what the government wants to hear" concerning Mr. Cohn.

In addition, Mr. Kiser quoted Garfield as saying a fabrication had been concocted which would involve a "big bribe" for Mr. Cohn and an Assistant U. S. Attorney named Robson. So Mr. Kiser went out to see Garfield in Reno to get him to sign a statement, prepared by Mr. Kiser, in which Garfield would take Mr. Cohn and Mr. Robson off a phone hook.

Mr. Kiser testified that he showed the prepared document to Garfield, who suggested a couple of revisions. Mr. Kiser swore that he made the revisions and handed it back to Garfield, whom he quoted as saying:

"I'll sign it later—after something happens in my case."

Just what Garfield meant by that Mr. Kiser was unable to explain, though it developed Garfield never affixed his signature.

It is the government's contention that Mr. Cohn, who is on trial with lawyer Murray E. Gottesman, was exerting pressure on Garfield to play ball with Mr. Cohn and refute his previous grand jury testimony damaging to Mr. Cohn.

# Pat Tells How Cohn Fought 'Lies'

By NORMA ABRAMS and SIDNEY KLINE

John A. Kiser, a member of the same law firm as Roy M. Cohn—Saxe, Bacon & O'Shea—yesterday told Federal Judge Archie O. Dawson and a jury that he attended a meeting between Cohn and stock swindler Samuel Garfield at which Garfield reported government pressure against Cohn.

At the suggestion of Paul Windels, a friend of Cohn and a former head of the Securities & Exchange Commission, Kiser said, he went with Cohn to the Barclay Hotel, 48th St. and Lexington Ave., for a breakfast meeting on July 17, 1962.

Cohn, said Kiser, had said he was upset because people had been lying about him concerning an alleged bribe passed in connection with the \$5 million United Dye and Chemical Corp. stock swindle. Cohn told him, Kiser said, that he hoped to get information from Garfield about those lies.

## What They Want

"Cohn said to Garfield, 'Nobody is going to get away with telling vicious lies about me,'" Kiser testified. "Garfield said, 'You have to realize a lot of people are under a lot of pressure. They have sentences hanging over their heads, and the only way out is to tell what the government wants to hear.'"

Cohn and attorney Murray E. Gottesman are on trial on charges of perjury and conspiracy. The indictment against them, returned in 1963, charges they lied and attempted to influence the testimony of other witnesses before a 1962 grand jury investigating why four men involved in the United Dye scandal were not indicted in 1959.

The government maintains that Cohn and Gottesman had a hand in keeping the four men off the indictment in 1959, and that a \$50,000 bribe changed hands.

## Desert Inn Talk

By the time the meeting Kiser testified to took place in 1962, the four swindlers had been indicted

and had pleaded guilty, but had not been sentenced.

Kiser said that Garfield told Cohn about a conversation Garfield had with Allard Roen, manager of the Desert Inn in Las Vegas. Like Garfield, Roen is a swindler awaiting sentence.

Kiser said Garfield related that Roen had visited Garfield in a hospital. Kiser testified that Garfield told Cohn that Roen said a deal could be worked out, with Roen getting a suspended sentence and Garfield getting a light sentence, "if they would stand by a story that Roen was in a hotel room when Garfield arranged with Cohn for a big bribe to an assistant U. S. attorney."

## Statement in Writing

Prosecution witnesses have told the court that a \$50,000 bribe changed hands in 1959, with Cohn getting \$16,666 and former Assistant U.S. Attorney Morton Robson getting \$33,333. Both Cohn and Robson have denied the charge under oath.

Kiser said Garfield was very upset, and agreed with Cohn that there should be a written statement of the facts.

Kiser said he, Kiser, drew up a statement exonerating Cohn and took it to Garfield to sign, but Garfield stalled and never signed it.

Kiser's written statement was entered into evidence.

Earlier yesterday, Cohn underwent more cross-examination and then the defense called a number of character witnesses. Immediately preceding Kiser as a witness, Windels testified that he had advised Cohn to have a witness along when he held his breakfast meeting with Garfield.

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NY

EDITION

DATE

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John A. Kiser  
*Breakfast at the Barclay*

(Mount Clipping in Space Below)

## Cohn Witness To Testify Again

John A. Kiser, who corroborates Roy Cohn's insistence that his perjury-conspiracy case is a government vendetta, returns to the Federal Court witness stand today.

Before Judge Archie O. Dawson recessed the trial yesterday, Kiser, former secretary of the New Jersey Narcotics Control Commission and now a lawyer with Saxe, Bacon & O'Shea—as is Cohn—testified about a 1962 breakfast meeting he and Cohn attended with convicted swindler Samuel S. Garfield.

### Discussed 'Lies'

Purpose of the meeting, Kiser said, was to discuss reports of "lies" about a bribe they heard were being told in a probe of why Garfield and three others had not been indicted in 1959 in a stock-fraud case.

According to Kiser, Garfield told Cohn that "an awful lot of people in government want to get you." And, the witness went on, Garfield outlined an opposition plan for the stock-swindle suspects to get lighter punishment if they would "tell what the government wants to hear."

### Cited in Fraud

Garfield, who is awaiting sentencing, testified for the prosecution last week that Cohn and a former chief assistant United States attorney had split a \$50,000 payment to keep the four men off the 1959 indictment. They were cited later, however, and pleaded guilty in the multi-million-dollar fraud.

Cohn and another lawyer, Murray E. Gottesman, are charged with conspiring to keep the quartet from being named, then lying to a 1963 grand jury probing the omission.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD  
TELEGRAM AND TRIBUNE

Date: 4/10/64  
Edition: METRO  
Author:  
Editor: RICHARD D.  
Title: MORTON ROBS  
MER AUSA SDNY; RO  
UNDER INVESTIGA  
Character: BRIBERY  
or  
Classification: BU 58-  
Submitting Office: NY

58-1232-Sub  
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APR 10 1964  
FBI-NEW YORK

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**Grill Cohn**  
**Partner**

By JOSEPH J. COHEN

A law partner of Roy M. Cohn faces cross-examination in Federal Court today on testimony that a confessed stock swindler told Mr. Cohn to his face that a plot to frame him was in the works "because an awful lot of people in government want to get you."

The testimony came late yesterday at Mr. Cohn's trial on charges of perjury and conspiracy from John A. Kiser, former secretary of the New Jersey Narcotics control Commission and a member of the law firm of Saxe, Bacon & O'Shea.

Mr. Kiser told of a breakfast meeting among himself, Mr. Cohn and Samuel A. Garfield, one of four admitted participants in the 1959 \$5-million United Dye and Chemical Corp. stock fraud.

At the July 17, 1962, meeting in the Hotel Barclay, 48th st. and Lexington ave., Mr. Kiser testified. Garfield

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said that he and his co-defendants in the stock fraud were "under pressure" by the Government to implicate Mr. Cohn in a bribe story.

The witness quoted Garfield as saying that the only way he and three others who had pleaded guilty in the stock fraud could get consideration was "to tell the Government what they wanted to hear."

One of the admitted stock swindlers, Garfield was quoted as telling Mr. Cohn, was to state he heard arrangements made with Mr. Cohn for "a big bribe of an assistant U.S. Attorney."

"Was a name mentioned?" Mr. Kiser was asked.

"The name Robson was mentioned," the witness replied.

#### CHARGE BY U. S.

The Government has charged that Garfield arranged for a payment of \$18,866 to Mr. Cohn and \$33,333 to former Assistant U.S. Attorney Morton S. Robson in a scheme to keep the names of Garfield and three others out of a 1959 indictment handed down in connection

with the stock fraud.

Mr. Kiser quoted Garfield as saying the Government wanted Allard Roen, manager of the Desert Inn in Las Vegas, to testify that he gave the money to Mr. Robson.

Mr. Cohn and Murray E. Gottesman, an attorney, are not accused of bribery. They are on trial on charges they lied—and tried to induce others to lie—to a 1962 grand jury probing the 1959 United Dye Investigation.

Mr. Cohn previously took the witness stand in his own defense to deny taking any payoff from Garfield, or committing perjury before the grand jury. The former Senate Committee counsel and former assistant U.S. attorney testified, as he's insisted from the outset of the case, that his trial is an attempt "by a few people in the Dept. of Justice to get me."

Mr. Robson also has testified that he never received any money from Garfield and, in fact, has never been in Las Vegas where such payment allegedly was made.

(Mount Clipping in Space Below)

## PARTNER AFFIRMS COHN ACCUSATION

**Testifies U.S. Witness Told  
of Drive to 'Get' Defendant**

**By HOMER BIGART**

A law partner of Roy M. Cohn testified yesterday that in 1962 he heard a key prosecution witness warn of a Government "deal" with stock swindlers to "get" Mr. Cohn.

The lawyer, John A. Kiser, said he had accompanied Mr. Cohn to a breakfast confrontation with Samuel A. Garfield, gambler and oil promoter, after Mr. Cohn had learned that Garfield and others were "telling vicious lies about him" to a grand jury.

Mr. Kiser swore that Garfield had told them at breakfast that the Government had promised clemency to confessed swindlers. "No one is going to get away with telling vicious lies about me,"

The "story" was that Mr. Cohn had shared a bribe with a United States Attorney to fix an investigation of a \$5 million stock fraud so that four swindlers, including Garfield, would escape indictment.

Garfield testified last week that in September, 1959, he gave \$16,666 to Mr. Cohn in the lobby of the Desert Inn in Las Vegas, and that he arranged for the payment of \$33,333 to Morton S. Robson, then chief assistant United States attorney for the Southern District of New York.

Another Government witness, Allard Roen, manager of the Desert Inn, and a confessed stock swindler, testified that he had handed the money to Mr. Robson in an elevator at the inn.

This testimony has been vehemently denied by Mr. Cohn and

Mr. Robson. Other witnesses swore that Mr. Robson had been in New York on the day of the alleged payoff.

Garfield, Roen, Irving Pasternak, an oil promoter, and Allen K. Swann, their lawyer, were not named in an indictment in the stock fraud that was returned in 1959. But they were subsequently indicted and pleaded guilty.

Mr. Kiser, a plump, partly bald man with tinted glasses, told of breakfast at the Hotel Barclay on July 17, 1962.

"Just what has been going on?" Mr. Cohn demanded of Garfield, according to Mr. Kiser.

He said Garfield had replied: "Roy, you have to realize a lot of people are under an awful lot of pressure. They have sentences hanging over their heads and the only way out is to tell a story the Government wants to hear."

Garfield went on to warn Mr. Cohn that "people in the Government want to get you," Mr. Kiser testified.

The witness said Mr. Cohn had reacted by telling Garfield: "No one is going to get away with telling vicious lies about me."

### Recalls Names

Mr. Kiser said he could not remember what role, if any, Garfield had admitted having in the plot. But he said that Garfield had definitely mentioned Roen, who was a protégé of Garfield's. He said Garfield had also mentioned Sidney Barkley, a swindler who had served one jail term, saying, "It would kill him to go back."

Garfield told his breakfast companions, according to Mr. Kiser, that Roen was vulnerable: He had a family; he was in danger of losing his license to operate a gambling resort.

Garfield said Roen had come to his sickbed with a proposition from the Government, Mr. Kiser testified. The alleged deal would give Roen a suspended sentence and Garfield a very light sentence if they would

(Indicate page, name of newspaper, city and state.)

25 NEW YORK TIMES

Date: 4/10/64  
Edition: LATE CITY  
Author: HOMER BIGART  
Editor: TURNER CATLEDGE  
Title: MORTON ROBSON FORMER AUSA SDNY; ROY COHN UNDER INVESTIGATION  
Character: BRIBERY  
or  
Classification: BU 58-5100  
Submitting Office: NYO

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APR 10 1964  
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stand by a story" of a bribe to Mr. Cohn and Mr. Robson. "Garfield said Roen told him that with all the cash lying around the Desert Inn nobody could prove we didn't [pay Robson]," Mr. Kiser testified. Mr. Cohn had testified that he had taken Mr. Kiser to the breakfast consultation after the late George Sokolsky, a newspaper columnist, had warned him to have a witness present.

#### Sought Signed Statement

During the confrontation, Mr. Cohn drew from Garfield the admission that Garfield had paid Cohn a legal fee in 1961. Mr. Kiser said. The defense contends that this fee of \$10,000 was the only money Mr. Cohn ever received from Garfield and that Garfield's story of the \$16,866 payoff in 1959 is false. "After we left the breakfast," Mr. Kiser said, "I told Mr. Cohn I thought it would be a good idea to get a signed statement from Garfield."

So they drew up a memorandum of Garfield's remarks and, a few weeks later, Mr. Kiser saw Garfield in Reno and asked him to sign the document.

Mr. Kiser said Garfield had studied the memorandum and commented: "It's almost all true."

He replied: "Let's go over it

paragraph by paragraph and see what is not true," Mr. Kiser testified.

He said Garfield had suggested two corrections of minor importance, so far as Mr. Cohn was concerned.

But Garfield would not sign, according to Mr. Kiser, and gave this cryptic explanation: "I'll sign it later after something happens in my case."

Earlier, Mr. Cohn, under cross-examination, said that he and his mother had found documentary proof from files at home that he had handled several legal matters for Garfield.

The Government had contended that Mr. Cohn had performed no legal work for Garfield that would warrant a \$10,000 fee.

Mr. Cohn said he was paid in cash by Garfield in 1961.

"Isn't it a fact that you received \$16,000 from Garfield in mid-September 1959?" Gerald Walpin, a prosecutor asked.

"No, it is not a fact," said Mr. Cohn deliberately.

The 37-year-old former aide to the late Senator Joseph R. McCarthy was under cross-examination most of the morning. He propped his head on his hand during the lengthy questioning.

Mr. Walpin brought out that Mr. Cohn had been unable to

produce check stub books for 1959 in the period in which Government witnesses alleged Cohn took the payoff.

The indictment against Mr. Cohn does not accuse him of accepting a bribe. Mr. Cohn and his co-defendant, Murray E. Gottesman, are conspiring to obstruct justice, with lying to a grand jury and with inducing other witnesses to lie. Mr. Cohn has denied all charges.

#### Morgenthau Meeting Described

The defense called several other witnesses yesterday including Paul Windels Jr., former regional administrator of the Securities and Exchange Commission, and Milton S. Gould.

Mr. Windels, a law partner of Mr. Cohn in the firm of Saxe, Bacon & O'Shea, told of going to the office of United States Attorney Robert M. Morgenthau with Cohn on July 11, 1962. He said Mr. Cohn had offered Mr. Morgenthau a memorandum of "facts" concerning the investigation but that Mr. Morgenthau had declined to accept it.

Mr. Gould affirmed Mr. Cohn's testimony that Mr. Cohn had brought Garfield to him in August, 1961, as a potential client. He said he had told Garfield that he wanted a \$25,000

retainer, more if Mr. Cohn was entitled to part of the fee for past services. Mr. Gould said Garfield had replied that Cohn "had rendered some service to him and that he would arrange to compensate Cohn."

Character witnesses for Mr. Cohn included Joseph P. Kelly, Collector of Customs, and Edward J. Chapman, a retired Criminal Court judge.

After Judge Chapman's declaration that Mr. Cohn's reputation for veracity was "the very highest," Mr. Walpin pressed him in the following cross-examination:

"Have you heard [Cohn] considers himself a friend of Gerardo Catena [an alleged leader of the Cosa Nostra]?"

"No, never heard of Catena."

"Have you heard that [Cohn] considers himself a friend of Meyer Lansky [a gambler]?"

"No."

"Do you know that he socialized with and recommended the employment of a man who pleaded guilty to a stock fraud case?"

"Never heard any such thing and I don't believe it."

"If you had heard it, would this have changed your opinion?"

"Of course it would."

(Mount Clipping in Space Below)

# U. S. Grilling Cohn Partner

By TED POSTON and IRVING LIEBERMAN

A law partner of Roy M. Cohn faces cross-examination today on his testimony that a confessed swindler told him the government pressured him to concoct a bribe story implicating Cohn and former Chief Asst. U. S. Attorney Morton S. Robson.

John Kiser, Cohn's associate in the law firm of Saxe, Bacon and O'Shea, resumes testimony in the perjury-conspiracy trial of Cohn and attorney Murray E. Gottesman before Federal Judge Dawson and a jury of 10 men and two women.

Under direct examination by Frank C. Raichle, Cohn's chief counsel, Kiser swore that Samuel S. Garfield, one of four stock manipulators indicted in the \$5,000,000 United Dye stock scandal, outlined the plot at a breakfast meeting on July 17, 1962, in the Hotel Barclay here.

Kiser said that Garfield told him and Cohn at that breakfast that the government would be "lenient" with him and three other swindlers who had pleaded guilty to the stock fraud, if they "would tell the government what it wants to hear."

Garfield told them, Kiser said, that the government wanted them to swear that Allard Roen, another swindler, had given a bribe to an Assistant U. S. Attorney, and that Cohn had arranged for the assistant to be bribed. He quoted Garfield as mentioning Robson's name in the discussion of the "plot."

Kiser said that, after the breakfast meeting, he prepared a memorandum on what Garfield had said and flew it out to Reno, Nev. a few days later to get Garfield's signature on it. He said that Garfield read the two-

## on 'Plot'

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3 NEW YORK POST

Date: 4/10/64  
Edition: LATE CITY  
Author: POSTON & LIEBERMAN  
Editor: DOROTHY SCHLES  
Title: MORTON ROBSON  
MER AUSA SDNY; ROY  
UNDER INVESTIGATION  
Character: BRIBERY  
or  
Classification: BU 58-5100  
Submitting Office: NYO

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FBI - NEW YORK  
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page memo "paragraph by paragraph" but refused to sign it "until something happened in the case."

Kiser produced the memorandum, which quoted Garfield as saying, in part:

"I never gave Mr. Cohn a cent for arranging a 'bribe' or a 'fix' in the United States case. I never talked to him about any such thing. Mr. Cohn never sent me to anyone in the government or asked me to pay anyone in the government."

At another point, the unsigned name quoted Garfield as saying:

"If I said anything, which I don't think I did, that would make people think Mr. Cohn was involved in or know about any payoff or anything but helping me with the lawyers, it was because I was confused and mistaken, and they kept telling me that Mr. Cohn was involved, and I should say so."

In his own testimony as a prosecution witness, Garfield had told of an attempt to have

him sign a statement, but said he had refused to do so, "because it wasn't true."

He insisted instead that he had paid Cohn \$16,660 personally for preventing the 1959 indictments, and had arranged for Robson to pay Robson \$34,331 in Las Vegas. Robson, a defense witness, has denied the charge.

Cohn has admitted receiving a \$10,000 unrecorded cash payment from Garfield in 1961, and has denied the government's contention that the \$10,000 was part of the alleged 1959 payoff.

In the memo, Garfield is quoting as saying, "I asked Mr.

Cohn to take a lawyer's fee because of the time and advice he gave me, but he told me there was no hurry and he did not need any then . . . I gave him a fee [later]. I think it was \$10,000, and that fee was the only money I ever gave him in any way, directly or indirectly, or that anyone else connected with me gave him that I know of."



# FBI Agents Testify For Cohn Defense

By Milton Lewis

Of The Herald Tribune Staff

In an unusual twist, two FBI agents who helped to investigate the perjury-conspiracy case against Roy M. Cohn were called as defense witnesses yesterday.

They testified in Federal Court that last June, William D. Fugazy, who earlier this month appeared as a vital prosecution witness in the Cohn trial, told them under oath that his grand jury answers in 1962 contained the "complete truth."

In that 1962 grand jury appearance, Mr. Fugazy, then a close friend and business associate of the defendant, did not implicate Mr. Cohn in an alleged conspiracy to obstruct justice.

Further, the two agents quoted Mr. Fugazy as having told them, that because of his 1962 grand jury testimony he heard that he (Fugazy) was being threatened with indictment for perjury.

Frank G. Raichle, chief defense counsel, wanted to get this point across to the trial jury from the mouths of the two FBI agents: that Mr. Fugazy told them under oath that his 1962 grand jury testimony—which did not implicate Mr. Cohn—was the "complete truth."

It developed, as Mr. Fugazy testified earlier this month in open court, he went back to the grand jury in July, 1963—one month after he spoke to FBI agents Arthur J. Achenbach and Edward Hartnett and "purged himself" as Assistant U. S. Attorney Gerald Walpin put it.

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Mr. Hartnett is no longer with the FBI, now being an executive with the Canada Dry Corp.

Last week Mr. Fugazy told the trial jury that Mr. Cohn had duped him into committing perjury in his first grand jury appearance. Mr. Cohn, an another lawyer, Murray E. Gottesman, are accused of conspiring to obstruct justice by blocking the grand jury's efforts to learn how four since-confessed swindlers in the \$5 million United Dye & Chemical Corp. stock fraud avoided indictment in 1959.

Another defense witness yesterday was Louis B. Nichols, who retired in 1967 as assistant to FBI director J. Edgar Hoover, in which connection he knew Mr. Cohn well while the latter was with the Justice Department and later as counsel to the McCarthy Senate Investigating Committee.

Mr. Nichols is now executive vice-president of Schenley Industries, in which capacity he did business with Mr. Fugazy as head of the Fugazy Travel Bureau.

Mr. Nichols testified that Mr. Fugazy came to him three times in the summer of 1962. He quoted Mr. Fugazy as saying that the FBI was suspicious of his (Fugazy's) grand jury testimony, even though he (Fugazy) still felt it was truthful and that Mr. Cohn was in no conspiracy. He also quoted Mr. Fugazy as saying that "they are trying to get Roy."

In their third meeting—August 1962—Mr. Nichols related, Mr. Fugazy said he "had an opportunity to re-

fresh his (Fugazy's) recollection on certain matters," but that he wondered whether he should return to the grand jury or the FBI.

"I suggested he go to the FBI," the loyal ex-FBI official testified. "I don't know if he did."

It is known that Mr. Fugazy went to the 1963 grand jury and purged himself.

The intricate case before Judge Archie O. Dawson is expected to go to the jury of 10 men and two women late next week. It began March 23. What has complicated the trial is this: testimony, which the defense labels as false, that "two-thirds of \$50,000" was paid as a bribe in 1959 to Morton S. Robson, then chief Assistant U.S. Attorney, to help save the four stock swindlers from indictment.

There are no charges against Mr. Robson, who earlier this week swore he never collected a penny and had no part in any fix. Similarly, Mr. Cohn testified that he never got the other "one-third of \$50,000."

Just as there are no charges against Mr. Robson, there are none against Leonard Glass, an assistant U.S. Attorney in 1959. He, according to trial testimony, fed advance grand jury questions to one of the four stock swindlers before putting him in the grand jury, which did not indict any of the four in 1959.

The prosecution did not call Mr. Glass to the stand and the defense has said it has no intention of calling Mr. Glass either.

# COHN-FEE SYSTEM REPORTED TO JURY

Partner Says Defendant Did  
Not Share All Receipts

By HOMER BIGART

A "unique" arrangement under which Roy M. Cohn could have accepted a \$10,000 legal fee from a stock swindler without reporting it to his law firm was described yesterday at his perjury and conspiracy trial.

John A. Kiser, one of eight partners with Mr. Cohn in the law firm of Saxe, Bacon & O'Shea, told a Federal Court jury that the 37-year-old defendant had brought in about 85 per cent of the firm's new business. Mr. Cohn joined the firm in 1959.

Consequently there was an "understanding" that Mr. Cohn could keep the fees from some of his old clients without reporting the income to the firm, Mr. Kiser said.

Each partner could decide in large part whether his fees should go to the firm or to himself, Mr. Kiser explained. But, he said, the "general practice" was that all fees went to the firm except directors' fees, executors' and trustees' commissions "and things of that sort."

"We don't have a hard-and-fast rule," said Mr. Kiser, a stout baldish man who frequently removed his tinted glasses and stared at the ceiling during a lengthy cross-examination.

Comment by Judge

"That's a unique partnership," remarked Judge Archie O. Dawson.

"We get along well, sir," Mr. Kiser said.

Mr. Kiser had been asked by the prosecution to explain why the firm could not produce records of the \$10,000 that Mr. Cohn said he received in 1962 from Samuel S. Garfield, a stock swindler.

Mr. Cohn is charged with conspiring to prevent the indictment of Garfield and three others in the \$5 million United Dye and Chemical Corporation stock fraud case in 1962.

The Government says that Mr. Cohn lied about the \$10,000 and that he never received a legal fee from Garfield in 1962. The Government contends that the grand jury testimony that Mr. Cohn gave concerning the fee was part of an elaborate fabrication to cover up Mr. Cohn's role in enabling Garfield and his friends to escape indictment in 1959. The four swindlers were subsequently indicted in 1960 and 1961; all changed their pleas to guilty soon after their trial started in 1962.

Two of the swindlers, Garfield and Allard Roen, manager of the Desert Inn in Las Vegas, have testified for the Government that a \$50,000 bribe by Garfield was split between Mr. Cohn and Morton S. Robson, a former chief assistant United States attorney.

Bribes Reported

Garfield said he handed \$16,866 to Mr. Cohn in the lobby of the Desert Inn in late August, 1959. Roen said he handed \$33,833 to a man who said he was Mr. Robson in an elevator of the Desert Inn in late August, 1959.

The swindlers' testimony has been vehemently denied by Mr. Cohn and Mr. Robson. S. Hazen Gillespie, who was United States Attorney in 1959, testified that the decision to omit the four swindlers from the 1959 indictment was his alone, and that Mr. Robson had not influenced the decision in any way.

Many lawyers were among the spectators on the 14th day of the trial yesterday. They listened intently as Mr. Kiser revealed, under cross-examination, how partners in Saxe, Bacon & O'Shea, a large, general practice firm, decided whether their fees belonged to the company.

According to his own estimate, Mr. Cohn averages \$350,000 annually in income from Saxe, Bacon & O'Shea.

When Mr. Kiser began his testimony Thursday he told of hearing Garfield warn Mr. Cohn at a breakfast confrontation in 1962 of a Government plot to "get" Mr. Cohn by accusing him of a bribery story.

He said that until the hearing that morning he had not known that Mr. Robson was the former Government official who allegedly split the bribe with Mr. Cohn.

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EDITION Late City

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# Partner Says: Didn't Know Of 10G, Called Fee by Cohn

...in the firm of Saxe, Bacon & Shea, ...  
...with Roy W. Cohn in the law firm of Saxe, Bacon & Shea,  
...at the trial of Cohn and attorney Murray E. Gottesman  
...he had not known of a \$10,000 fee Cohn claimed to have received in 1943.

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# Walter Winchell OF NEW YORK

Mr. and Mrs. United States, His Honor Archie O. Dawson and the Jury in the Case of the U. S. vs Roy M. Cohn at U. S. Courthouse, Foley Square, NY: This is to respectfully submit a character reference for Mr. Cohn whom I have known for about 15 years. He bears the reputation of high public service and devotion to his country, as well as complete integrity as a man and as a lawyer. That has been my experience with him as a newspaperman observing public events.—Walter Winchell.



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NY Journal American

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FBI - NEW YORK	

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## Cohn Trial Entering Its 15th Day, May Go To Jury by Thursday

### Defense Summons Witnesses Who Laud Defendant's Reputation, Attack Fugazy's Testimony

By C WALL STREET JOURNAL Staff Reporter

NEW YORK—The fate of Roy M. Cohn and Murray E. Gottesman, on trial on charges of perjury and conspiracy to obstruct justice, may be placed in the hands of the jury by Thursday.

The trial starts its 15th day today; defense lawyers estimated they would call three or four more witnesses on Mr. Cohn's behalf, plus seven to present Mr. Gottesman's case. Federal prosecutors said they would take "about an hour" for rebuttal.

This indicated the presentation of evidence may be concluded tomorrow. Summations by both sides and Federal Judge Archie O. Dawson's charge to the jury will follow.

The two New York lawyers are charged with lying to a Federal grand jury in 1962 and 1963 and conspiring to prevent it from learning about their 1959 relations with four confessed swindlers in the \$5 million United Dye & Chemical Corp. stock fraud case.

The four United Dye associates are Samuel S. Garfield, a gambler and oil promoter; Irving Pasternak, his partner; Allen K. Swann, their lawyer, and Allard Roen, an associate and the manager of two Las Vegas hotels. They weren't made defendants in the first United Dye indictment in 1959, but they were indicted in later indictments in 1960 and 1961. All four pleaded guilty early in 1962 to part of the charges in the 1961 indictment.

The Government contends that Garfield hired Mr. Cohn, and through him Mr. Gottesman, to keep the four men out of the 1959 indictment. Garfield testified earlier in the trial that he and Roen split \$50,000 between Mr. Cohn and a Government prosecutor in 1959.

The defense contends that the Government witnesses are lying in the hope of getting light sentences in the United Dye case for cooperating in a Government "vendetta" against Mr. Cohn.

Friday morning the defense quickly called several witnesses who praised Mr. Cohn's reputation for truthfulness or who attacked testimony by William D. Fugazy, Jr., a travel agent and former friend of Mr. Cohn. Mr. Fugazy, a Government witness, testified he led to the Federal grand jury on the advice of Mr. Cohn, to conceal the fact he had relayed warnings from Mr. Cohn to Garfield and Roen.

One witness was Louis Nichols, a former assistant to J. Edgar Hoover, director of the Federal Bureau of Investigation, and current

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by executive vice president of Schenley Industries, Inc.

Mr. Nichols said he had known Mr. Cohn for more than 10 years and Mr. Fugazy for six or seven. In the summer of 1962, Mr. Nichols said, Mr. Fugazy asked his advice on whether he should talk to Government agents to amplify testimony he had given to the grand jury. Mr. Nichols said he replied affirmatively and then asked what was going on.

"Mr. Fugazy said, 'They are trying to get Roy,'" Mr. Nichols testified. "He said, 'They think Roy had me call Moe Dalitz home from Europe to quiet this down.'" But, Mr. Nichols continued, Mr. Fugazy insisted he hadn't and that he had told the truth to the grand jury.

Dalitz is the principal owner of the Desert Inn and Stardust Hotel in Las Vegas and is Roen's boss. One of the counts against Mr. Cohn alleges he had Mr. Fugazy recall Dalitz from a European trip in 1962 to put pressure on Roen to stop testifying to the grand jury about Mr. Cohn. Mr. Fugazy testified at the trial that the charge is true, contradicting Mr. Cohn's sworn testimony to the grand jury.

The judge ordered the lawyers to submit to him today their proposals for his charge to the jury.



# Cohn's Side Ending Its Testimony

By IRVING LIEBERMAN  
and TED POSTON

Roy M. Cohn concludes his defense in his perjury conspiracy trial in Federal Court today with a parade of legal, sports and show-business people attesting to his reputation for truth and veracity.

Ten character witnesses will follow each other to the stand before Federal Judge Dawson and a jury of 10 men and two women after one more of Cohn's law partners in the firm of Saxe, Bacon and O'Shea concludes the last of the defense's substantive testimony.

Today's opening witness is scheduled to be either Thomas A. Bolan, who with Frank C. Raichle is serving as Cohn's co-counsel at the trial, or Albert A. Bolan, who with Frank C. partner. John Kiser, a third partner, testified for Cohn Friday.

Like Kiser, today's partner is expected to recall conversations with prosecution witnesses that tend to support Cohn's contention that two of four confessed swindlers made a "deal" with the government to "get Cohn" in the aftermath of the \$5,000,000 United Dye stock fraud scandal of 1959.

The prosecution has contended, and produced 23 witnesses to testify, that Cohn helped the four stock manipulators escape indictment in the 1959 investigation.

Although Cohn and attorney Murray E. Gottesman are being tried only for perjury and conspiracy as a result of their testimony before a March, 1962, grand jury investigating the United Dye case, Cohn has been accused during 14 days of testimony of sharing with former Chief Asst. U. S. Attorney Morton S. Robson a \$50,000 bribe for "fixing" the 1959 grand jury. Robson denied it.

But in four days of defense testimony—with himself as star of a line of 21 witnesses—Cohn has not only denied the charges, but has also insisted that his indictment resulted from a "deal" between the government and the swindlers, who since have been indicted for stock fraud and are still awaiting sentencing on guilty pleas.

Kiser's testimony Friday, under cross-examination, highlighted Cohn's importance to the law firm of Saxe, Bacon and O'Shea.

His law associate admitted that Cohn brings in 85 per cent of new business to the firm and 65 per cent of its fees. Kiser said he had also been associated with Cohn in the Fifth Av. Coach Co., which has paid the firm \$151,000 in fees since Jan. 1, 1963.

Judge Dawson asked both sides to submit requests today for material to be included in his charge to the jury, as well as memoranda on a pending motion by the defense to dismiss the conspiracy count against Cohn and Gottesman.

The prosecution and defense agreed that all testimony may be concluded tomorrow, with summations beginning Wednesday.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

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Editor: DOROTHY SCHIFF  
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# Cohn Trial Heads Into 4th Week

By JOSEPH J. COHEN

The conspiracy-perjury trial of Roy M. Cohn heads into its fourth and probable final week in Federal Court today.

Due on the stand as the windup witness today in Mr. Cohn's defense is Thomas Bolan, a partner of the former Senate Committee counsel and former assistant U. S. attorney in the law firm of Saxe, Bacon and O'Shea.

Tomorrow's session before Judge Archie O. Dawson will be devoted to the defense of Mr. Cohn's co-defendant, attorney Murray E. Gottesman.

## THE SUMMING UP

Barring unforeseen witnesses or delays, prosecution and defense summations should be completed by late Wednesday with the case going to the jury on Thursday after Judge Dawson's charge.

Messrs. Cohn and Gottesman are on trial on charges of lying to, and attempting to influence the testimony of, witnesses before a 1962 grand jury probing the investigative aspects of a 1959 indictment returned in connection with the \$5-million United Dye and Chemical Corp. stock fraud.

The government has charged they engaged in trying to cover up an alleged scheme which thwarted the naming of four men in the 1959 true bill. The four men later were indicted and pleaded guilty to charges linking them to the United Dye and Chemical swindle.

## DENIALS MADE

The prosecution produced witnesses—including two of the confessed swindlers—who testified that former Assistant U.S. Attorney Morton S. Robeson got two-thirds of a \$50,000 payment and Mr. Cohn allegedly received the balance to help the four admitted stock defrauders escape the 1959 indictment.

Mr. Robeson took the stand to deny he ever received the alleged payment, or had even been in Las Vegas where it supposedly was made.

Mr. Cohn, who took the stand in his own defense, has denied all the charges from the outset. He has attributed his trial to a plot by "a few people in the Justice Department who are out to get me."

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# 22

# Roy Cohn Trial Hears M. Gottesman Deny All Charges by Government

## Co-Defendant Accuses Witnesses For U.S. of Lying; Attorneys For Cohn Conclude His Defense

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Murray E. Gottesman, on trial with Roy M. Cohn on charges of perjury and conspiracy to obstruct justice, took the witness stand in his own behalf. Like Mr. Cohn before him, Mr. Gottesman denied all the charges against him and accused the Government's chief witnesses of lying.

Mr. Cohn's attorneys concluded his defense earlier in the day, after having called a total of 35 witnesses in five days.

The 10-count indictment accuses Mr. Cohn and Mr. Gottesman of lying to a Federal grand jury in 1962 and 1963 and conspiring to prevent it from learning the truth about their 1960 relations with four admitted swindlers in the \$5 million, United Dye & Chemical Corp. stock fraud case. The Government contends Mr. Cohn, and through him, Mr. Gottesman, were hired to keep the four from being indicted in the first United Dye indictment in 1960. There are no charges based on the 1960 events, however.

Mr. Gottesman is named in three counts of the indictment—one alleging conspiracy with Mr. Cohn and two alleging perjury in Mr. Gottesman's account of a 1960 meeting with two of the United Dye defendants, Samuel S. Garfield and Allen K. Swann. Earlier in the trial, Garfield and Swann testified there was no such meeting in 1960 and they never met Mr. Gottesman at all.

Mr. Gottesman testified Mr. Cohn came to see him on Aug. 12, 1960, about representing Garfield and Swann in an investigation. Both Mr. Cohn and Mr. Gottesman are New York lawyers.

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NY Wall Street Journal

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Mr. Cohn said Garfield, an oil promoter and gambler, had merged a company of his into United Dye in return for unregistered United Dye stock, according to Mr. Gottesman. And, the witness continued, Mr. Cohn said Swann, an Evansville, Ind., attorney, had advised Garfield that the transaction was legal, although it later developed it was a violation of Federal securities laws.

#### Note Is Described

As a result, Mr. Gottesman declared, he met with Garfield, Swann, and Mr. Cohn on the afternoon of Aug. 19, 1939, to discuss Swann's desire to explain his legal advice to a Federal grand jury. Mr. Gottesman said his role was to get in touch with Morton S. Robson, a friend of his and then chief assistant U.S. attorney for the Southern District of New York, to arrange for Swann's testimony.

Garfield testified two weeks ago that he arranged to split \$50,000 between Mr. Cohn and Mr. Robson, currently in private practice in New York, to keep him, Swann and two other associates out of the 1939 indictment. Although they escaped that indictment, the four were indicted in 1960 and 1961 and partly in 1962 pleaded guilty to part of the charges.

Mr. Robson has denied the accusations, and

the bribery charges have been filed against him or Mr. Cohn.

Mr. Gottesman testified that part of his grand jury testimony in June 1962 and July 1962 was inaccurate through no fault of his own, because the Government had impounded his diaries and appointment books on June 2, 1962. Mr. Gottesman said he was unable to refresh his memory about talks with Mr. Cohn and Mr. Robson and about other matters until January or February of this year, when the court ordered the Government to give him photostatic copies of the diaries.

#### "Distorted" Remarks Claimed

Mr. Gottesman declared agents of the Federal Bureau of Investigation had distorted his remarks in a report they made of an interview with him in 1961.

"When I testified to the grand jury," Mr. Gottesman insisted, "I did it to the best of my recollection."

Government prosecutors will begin cross-examining Mr. Gottesman this morning.

Mr. Cohn's principal defense witness yesterday was Thomas A. Bolan, his law and business partner and his co-counsel for the defense. Mr. Bolan attacked the testimony of Garfield by saying Garfield had come to him in Chicago in September 1961 and asked him to relay a message to Mr. Cohn that the Government "was still trying to get him." Garfield denied he saw Mr. Bolan.

The defense has charged the United Dye group with lying about Mr. Cohn to cooperate in a Government "vendetta," in the hope of getting light sentences in the United Dye case.

Mr. Bolan also said travel agent William D. Fugazy, a Government witness who testified he led to a grand jury at the behest of Mr. Cohn, had told him charges in the indictment against Mr. Cohn weren't true.

Frank G. Raichle, Mr. Cohn's chief defense counsel, called several character witnesses who said Mr. Cohn had a high reputation for truthfulness. Among them were comedian Bert Lahr; Earl E. T. Smith, former ambassador to Cuba; David Gutman, dean of New York Law School; two students at the law school, and Edward J. Spellman, who was identified as president of the Roy M. Cohn Foundation, a textile company official, and a nephew of Roman Catholic Cardinal Spellman.

# Wind Up Testimony In Cohn Trial Today

By JOSEPH J. COHEN

Testimony in Roy M. Cohn's conspiracy-perjury trial winds up today in Federal Court with Mr. Cohn's co-defendant, attorney Murray E. Gottesman, undergoing cross-examination and producing several witnesses attesting to his character.

The prosecution is expected to call only one witness to rebuttal before both sides present summations tomorrow to the jury of 10 men and two women, who will probably get the case by late Thursday.

The government hammers away today at Mr. Gottesman's direct testimony yesterday concerning a meeting he said was arranged by Mr. Cohn with two admitted stock swindlers to discuss a 1959 investigation into the \$5-million United Dye and Chemical Corp. stock fraud case.

Mr. Gottesman swore the session—which the government alleges never took place—was held on Aug. 19, 1959 in the Hotel Pierre, and was attended by himself, Mr. Cohn and the swindlers, Samuel S. Garfield and Allen K. Swann.

One of the perjury charges in the indictment against Messrs. Cohn and Gottesman is based on the government

contention they lied when they told a grand jury probing the investigative aspects of the United Dye and Chemical case about the meeting.

The prosecution claims that perjury was committed in an attempt to cover up an alleged scheme it says resulted in thwarting the naming of Garfield, Swann and two other men in a 1959 indictment handed up in the stock swindle.

Garfield, Swann and the others later were indicated, pleaded guilty and are awaiting sentence. Garfield and Allard Roen, manager of the Resort Inn in Las Vegas, previously testified that a \$50,000 payment was involved in escaping the 1959 true bill, with Mr. Cohn getting one third and the balance going to former Assistant U.S. Attorney Morton S. Robson.

Mr. Robson has denied the payment both in and out of court. Mr. Cohn from the outset has denied all the charges.

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# U.S. Calls Back Co-Defendant

By **TED POSTON** and **IRVING LIEBERMAN**

## in Cohn Trial

**Attorney Murray E. Gottesman**, man who almost seemed the forgotten man in the Roy M. Cohn perjury-conspiracy trial yesterday,

undergoes cross-examination today on an issue which may decide the fate of both men

in their concluding trial here.

Asst. U. S. Attorney Donald J. Cohn, (no relation) will question Gottesman on the details of a hotel conference which the prosecution insists never took place, but which both co-defendants have sworn was held.

Roy Cohn and Gottesman were both indicted for perjury after they told a March, 1962 federal grand jury that they had attended a breakfast conference in the Hotel Pierre here with Samuel S. Garfield and Allen K. Swann, two stock manipulators, on Aug. 19, 1959, to discuss some issues in the \$5,000,000 United stock fraud investigation.

A few days later, a 1959 federal grand jury indicted several swindlers for stock fraud, but Garfield, Swann and two confederates were not named as defendants in the indictment.

The prosecution contends that Cohn and Gottesman concocted the story of the hotel meeting to explain their actions in contacting federal officials in the U. S. Attorney's Office here on behalf of the now-confessed swindlers.

### Conference Denied

And both Garfield and Swann, and two other co-conspirators in the stock fraud, have testified that no such conference took

place. Swann swore, further, that he had ever seen either Cohn or Gottesman before facing them in the courtroom last March 31.

Cohn, taking the stand in his own defense last Wednesday, not only insisted the conference took place but described the arrangement of the rooms in Garfield's hotel suite.

Gottesman backed him up under direct examination by his attorney, Henry L. Chapman, yesterday, but conceded that he had made some "mistakes" in his testimony before the 1962 grand jury which indicted him.

He had told the grand jury that, as a result of the disputed conference, he had gone to see then Chief Asst. U. S. Attorney Morton S. Robson in behalf of Swann and Garfield. Yesterday, he said that he saw Robson the day before the hotel meeting and discussed the United Dye case on the basis of what Cohn had told him.

### Payment Charged

Garfield and Allard Roen, another of the four confessed swindlers, have testified that they paid Cohn \$16,666 and Robson \$33,334 to "fix" the 1959 United Dye jury. All four swindlers were indicted twice by later grand juries, however, and have pleaded guilty.

In his testimony yesterday, Gottesman said that he had lunch with Robson, an old friend, on Aug. 25, 1959—the day that the original United Dye indictment was handed up—but that neither of them mentioned the case then despite their earlier discussions of the possible involvement of Garfield and Swann in the scandal.

(Indicate page, name of newspaper, city and state.)

**6 NEW YORK POST**

Date: **4/14/64**  
Edition: **LATE CITY**  
Author: **POSTON & LIEBERMAN**  
Editor: **DOROTHY SCHIFF**  
Title: **MORTON ROBSON FOR-  
MER AUSA SDNY; ROY COHN  
UNDER INVESTIGATION**  
Character: **BRIBERY**  
or  
Classification: **BU 58-5100**  
Submitting Office: **NYO**

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## Gottesman To Continue In Cohn Case

After 35 witnesses, Roy M. Cohn's defense against government perjury and conspiracy is over, and today co-defendant Murray E. Gottesman proceeds with his case.

Gottesman, a lawyer, opened his defense yesterday after Cohn rested his case before Federal Judge Archie O. Dawson. He and Cohn, who is also a lawyer, are accused of conspiring to keep four swindlers from being indicted in a 1959 stock-fraud inquiry, and of lying to a 1962 grand jury investigating the case.

From the witness stand, Gottesman corroborated Cohn's account of a 1959 meeting of the two lawyers and two of the swindlers, Samuel S. Garfield and Allen K. Swann. The latter subsequently was indicted, pleaded guilty and is awaiting sentence for stock fraud. Both appeared as government witnesses and testified that no such session ever took place.

But Gottesman insisted that he and Cohn had gone to Garfield's hotel suite to discuss legal representation for Garfield in the grand jury investigation. He said Cohn asked him to represent Garfield. The prosecution says the account of the meeting was concocted as a cover for the defendants' efforts to fix the indictment.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD  
TELEGRAM AND SUN

Date: 4/14/64

Edition: METRO

Author:

Editor: RICHARD D. PETERS

Title: MORTON ROBSON FORMER AUSA SDNY; ROY COHN  
UNDER INVESTIGATION

Character: BRIBERY

or

Classification: BU 58-5100

Submitting Office: NYO

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## Cohn Rests Defense; Gottesman Takes the Stand

By HOMER BIGART

Murray E. Gottesman took the witness stand yesterday to support testimony of his co-defendant, Roy M. Cohn, concerning a purported meeting in a New York hotel suite with two swindlers who escaped indictment in 1959.

The Government, charging Mr. Cohn and Mr. Gottesman with perjury and conspiracy to obstruct justice, contends that this meeting never took place. It is charged that the defendants fabricated the meeting to cover up their efforts to fix the indictment.

The defense of Mr. Cohn, former aide to the late Senator Joseph R. McCarthy, rested on the fifteenth day of the trial after a parade of character witnesses that included actor Bert Lahr, a State Supreme Court Justice, a former Ambassador to Cuba and a nephew of Cardinal Spellman.

### Partner Testifies

Other defense witnesses included Thomas A. Bolan, a partner of Mr. Cohn in the law firm of Saxe, Bacon & O'Shea, who said that the firm had been "on its last legs, so to speak" until Mr. Cohn joined it in 1959 and brought in a flood of new business.

In gratitude for this, the other partners raised no question when Mr. Cohn retained for himself a purported \$10,000 legal fee from one of the swindlers, Sam S. Garfield, in 1961 instead of allocating it to the firm. Mr. Bolan went on to explain that he had advised Mr. Cohn that this would be "fair" because "most, if not all of the work for Garfield was done before he joined Saxe, Bacon & O'Shea."

### Character Witnesses for Former Include Bert Lahr and an Ex-Ambassador

Mr. Bolan said he had been unable to find any written record of the \$10,000. He said he put the money in one of the firm's safe deposit boxes for Mr. Cohn.

Two weeks ago Garfield testified he never paid Mr. Cohn any fee in 1959 but that he gave Mr. Cohn \$16,663 in 1959 for "fixing" the indictment.

At one point Judge Archie O. Dawson admonished Mr. Bolan for giving hearsay testimony. Mr. Bolan had just quoted a government witness as having remarked to him a year ago that Gerald Walpin, government prosecutor, was "off on another wild goose chase."

Judge Dawson slapped the bench hard. "Strike it out," he said.

"Mr. Bolan, you're a lawyer," the judge continued. "You know what you're doing is improper. This is the sort of thing I won't stand for in this court."

### Concedes He Erred

Mr. Gottesman was an almost-forgotten co-defendant. His lawyer is Henry K. Chapman.

Mr. Gottesman, a 57-year-old lawyer, conceded at the outset that he had erred in his grand jury testimony. He blamed the inconsistencies on the fact that the government had subpoenaed his diary and that he was unable to refresh his memory until the government gave him photostats later.

In his first appearance at the

grand jury in June, 1962, he said the meeting with Mr. Cohn and the swindlers had taken place in Garfield's suite at the Plaza Hotel. He corrected this later to say that the meeting had occurred at the Pierre Hotel, where Garfield, a gambler and oil promoter, was indeed staying on August 19, 1959.

He also told the grand jury that he had made no telephone calls from Garfield's suite during the purported meeting. Yesterday he corrected this — he had telephoned Murray S. Robson, then the chief assistant United States Attorney, from the Garfield suite.

### Purpose of Meeting

Both Mr. Gottesman and Mr. Cohn said they went to the meeting to discuss legal representation for Garfield, who feared indictment in the \$5 million United Dye stock fraud. Mr. Gottesman said Mr. Cohn had asked him to represent Garfield.

Both told the grand jury that Allen K. Swann, a Midwest lawyer who later pleaded guilty to stock fraud, was the suite. Mr. Swann, who was to appear before the grand jury the following day, as a Government witness in this trial supported Garfield in calling the Cohn-Gottesman story of the meeting a fabrication. Swann said in his testimony that he had never seen Mr. Gottesman until they confronted each other in Federal Court two weeks ago.

Among other witnesses for Mr. Cohn were State Supreme Court Justice Irving H. Saypol; Earl Edward Taylor Smith, former Ambassador to Cuba; Daniel Gutman, dean of the New York Law School; Bert Lahr, and Edward J. Spellman, president of the Roy M. Cohn Foundation and a nephew of Cardinal Spellman.

(Indicate page, name of newspaper, city and state.)

26 NEW YORK TIMES

Date: 4/14/64  
Edition: LATE CITY  
Author: HOMER BIGART  
Editor: TURNER CATLEDGE  
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# His Co-Defendant Backs Cohn Story At Perjury Trial

By Milton Lewis  
Of The Herald Tribune Staff

After the defense for Roy M. Cohn rested yesterday, his co-defendant, lawyer Murray E. Gottesman, took the stand at their perjury-conspiracy trial, which may go to the jury on Mr. Gottesman's 57th birthday, Thursday. It began March 23. The medium-sized, balding co-defendant, clutching his spectacles, told this story in Federal Court, thereby corroborating the story told earlier by Mr. Cohn:

On Aug. 18, 1959, Mr. Cohn, on behalf of four subsequently confessed members of a \$5 million stock swindle, advised Mr. Gottesman that the four felt they were innocent and feared indictment because of the "overzealousness" of a young Assistant U. S. Attorney, Leonard Glass.

Mr. Gottesman thereupon called Morton S. Robson, who was then Chief Assistant U. S. Attorney, and who was described by the witness as a "close friend." Exactly one week later—Aug. 25, 1959—Mr. Gottesman related, he had lunch with Mr. Robson and they studiously avoided, Mr. Gottesman swore, discussing the case of the four swindlers involved in the United Dye & Chemical Corp. stock fraud.

It was only that evening, in reading a newspaper, Mr. Gottesman continued, that he learned the four were kept out of a United Dye stock fraud indictment returned against several others that day. The four—indicted in 1960 and again in 1961 and who pleaded guilty in 1962—were only listed as co-conspirators, as distinct from defendants, in the 1959 trial.

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NY Herald Tribune

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DATE 11-1-60

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Both Mr. Gottesman and Mr. Cohn, 37, are jointly accused in one count of perjury in testifying to the grand jury about a meeting which the government maintains never occurred. Mr. Gottesman, like Mr. Cohn before him in the same witness chair, swore that on Aug. 19, 1959—one day after Mr. Cohn first approached him—both lawyers met at the Pierre with two of the four swindlers, Samuel S. Garfield and Allen K. Swann.

The defense contends that Garfield, through Mr. Cohn, had retained Mr. Gottesman to arrange for Swann to go before a grand jury, though the defense concedes that no fee was ever paid to Mr. Gottesman. But according to Assistant U. S. Attorney Gerald Walpin, in charge of the prosecution, defendants Gottesman and Cohn never held that hotel meeting—and both Garfield and Swann testified earlier in the trial that there was no such meeting and that they had never seen Gottesman in their life.

Under questioning by his own counsel, Henry K. Chapman, Mr. Gottesman, who until he took the stand almost con-

stantly held a pipe, offered this explanation of why his trial testimony differed drastically on vital matters from his grand jury testimony in 1962: the government in 1962 had his office diary as well as that of Mr. Robson, and now that he has seen both and heard Mr. Robson testify in court last week, his memory is refreshed and his testimony now is more accurate than it was in 1962.

Earlier yesterday, Mr. Cohn had as character witnesses this pot-pourri:

Supreme Court Justice Irving H. Saypol; Daniel Gutman, dean of New York Law School and once counsel to former Gov. Harriman; two law students who studied under Mr. Cohn; Earl E. T. Smith, investment broker and former Ambassador to Cuba; Edward J. Spellman, Cardinal Spellman's nephew, and Bert Lehr, who testified, "I'm an actor" now appearing in "Foxy."

Mr. Cohn's last "fact" witness was Thomas A. Bolan, one of his law partners in the firm of Saxe, Bacon & O'Shea. Mr. Bolan has been sitting next to Mr. Cohn all through the trial as associate defense counsel. He was being examined by chief counsel Frank G. Raichle when he (Bolan) volunteered that where Mr. Cohn had advised a prosecution witness to tell the truth, prosecutor Walpin had told the witness "to forget that."

"Strike that!" Judge Archie O. Dawson ordered. "This is pure heresy (on the part of Mr. Bolan). This is triple heresy."

A little later Mr. Bolan quoted another government witness as having told him that "Mr. Walpin was off on another wild goose chase."

Judge Dawson, banging the bench, thundered:

"Mr. Bolan, you're a lawyer and you know what you're doing is improper! That sort of thing I won't stand for!"

As Mr. Bolan attempted to apologize, the judge continued:

"Here a lawyer gets on the stand and tries to give triple heresy evidence! Mr. Bolan, you've tried cases before me. That's the sort of thing I won't stand for in this court!"

"I'm sorry, your honor," said the chalk-faced Mr. Bolan.

# Judge Quashes 1 Count Against Cohn, Gottesman

By NORMA ABRAMS

A conspiracy count against attorneys Roy M. Cohn, 37, and Murray E. Gottesman, 57, was dismissed by Federal Judge Archie O. Dawson yesterday as trial of the two men before a jury of 10 men and two women neared its end.

To be decided by the jurors tomorrow—today will be devoted to summations by opposing counsel—will be charges of perjury and conspiracy to obstruct justice against Cohn, and charges of perjury against Gottesman.

## Result of Testimony

The indictment against the pair, handed up last year, stemmed from their testimony before a federal grand jury in 1962 which sought to learn why four stock swindlers were not indicted in the \$5 million United Dye and Chemical Corp. scandal in 1959.

The government contended in its case that Cohn and Gottesman brought pressure to bear on the U. S. attorney's office in 1959 to keep Samuel Garfield, Allard Roen, Allan Swann and Irving Pasternak off the indictment.

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Government witnesses testified that there was a \$50,000 payoff, with Cohn receiving \$16,666 from Garfield and a man identifying himself as Morton Robson getting \$33,333 from Roen in Las Vegas.

All four men were indicted in 1960 and 1961 and pleaded guilty in 1962. Garfield, Roen and Swann testified as prosecution witnesses against Cohn and Gottesman.

Cohn and Gottesman denied all charges, and Robson, as a defense witness, denied taking any money, ever being in Las Vegas or ever seeing Roen before the trial.

The defense contended that the swindlers offered a fabricated story and cooperated with "a small group" in the Justice Department which was out to "get" Cohn. The defense maintained that the swindlers turned on Cohn, and Gottesman coincidentally, on promises of leniency.

During the 16 days of trial, the government called 22 witnesses and the defense 41.

Gottesman was on the stand

when yesterday's session opened. He reiterated under cross-examination that he had broken no law and was involved in no effort to thwart justice. Two minor witnesses for the defense followed him, and at 12:45 P.M., the defense rested.

#### SEC Agents Testify

Two agents of the Securities and Exchange Commission were called by the prosecution as rebuttal witnesses. The witnesses, Allen S. Kilmer and Ralph H. Tracy, testified that in 1959—dissatisfied with the handling of the United Dye case before the grand jury by Assistant U.S. Attorney Leonard Glass—they sought to see U.S. Attorney S. Hazard Gillespie.

The agents said they were shunted off by Glass to Robson, chief assistant to Gillespie. They said they never did get to see Gillespie. This testimony was in contradiction to what Robson had said on the stand.

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# Cohn's Lawyer Is Winding Up His Case

By TED POSTON and  
IRVING LIEBERMAN

In a courtroom where he began his own spectacular rise to prominence, Roy M. Cohn today hears another lawyer fight against his conviction on perjury and obstruction-of-justice charges which could send him to prison for 35 years and cost him \$26,000 in fines.

Similarly, Murray E. Gottesman, whose own rise from comparative obscurity came only as a co-defendant of the one-time aide to the late Sen. Joseph McCarthy, will hear his own counsel try to save him from a possible 10-year prison term and \$4,000 in fines.

Cohn, who gained his early reputation as a relentless prosecutor in the federal court where he is now on trial for the 17th

day, is charged with seven counts of perjury and obstruction of justice. They are the result of his testimony before a March, 1962, grand jury trying to find out why four now confessed stock swindlers were not indicted in the \$5,000,000 United Dye stock fraud scandal in 1959.

Gottesman is charged with two counts of perjury as a result of his testimony before the same 1962 grand jury.

Both had been indicted on a joint count of conspiracy, but Federal Judge Dawson dismissed that single count yesterday, with the jury of 10 men and two women excused from the courtroom.

"The issue," the judge ruled, "is whether they obstructed justice and committed perjury."

The prosecution, as outlined

(Indicate page, name of newspaper, city and state.)

7 NEW YORK POST

Date: 4/15/64  
Edition: LATE CITY  
Author: POSTON & LIEBERMAN  
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Title: MORTON ROBSON  
FORMER AUSA SDNY; ROY COHN  
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by Asst. U. S. Attorneys Gerald Walpin and Donald Cohn (no relation) and supported by government witnesses, charged that Cohn, aided by Gottesman, conspired to "fix" the 1959 jury to prevent the indictment as defendants of four stock manipulators—Samuel S. Garfield, Alard Roen, Allen K. Swann and Irving Pasternak.

All four men were twice indicted by later juries and pleaded guilty to stock fraud in the United Dye case.

Garfield and Roen took the

witness stand to swear that they paid Cohn \$16,666 and Morton S. Robson, then Chief Asst. U. S. Attorney, \$33,334 for their services in the "fix." Another witness swore that Leonard Glass, then an Asst. U. S. Attorney presenting the case to the 1959 grand jury, actually wrote out key questions to be asked of one swindler before the jury.

Robson and Cohn both denied the charges under oath but two SEC agents testified yesterday that they worked with Glass

before the 1959 grand jury and that Glass and Robson thwarted their efforts to tell their boss, U. S. Attorney S. Hazard Gillespie, that the case against the four swindlers was being improperly and faultily presented.

Today, Frank C. Raichle, Cohn's chief counsel, will use two hours in summation to plead his client's contention that the Government made a "deal" with the still-unsentenced swindlers to "get Cohn" because of his McCarthy era activities in Washington, and to urge the jury not to be a party to the "deal."

# Cohn-Trial Defense Blasts— The Four Gov't Witnesses

By IRVING LIEBERMAN and TED POSTON

The government's principal witnesses against Roy M. Cohn and Murray E. Gottesman in their perjury and obstruction of justice trial were denounced in Federal Court today as "a bunch of swindlers, thieves, gamblers and oily lawyers full of gas."

Henry Chapman, Gottesman's counsel, directed his fire at four confessed stock swindlers in his opening summation before Judge Dawson and a jury of 10 men and two women.

Targets for his assault were Samuel S. Garfield, Allard Roen, Irving Pasternak and Allen K. Swann, four stock manipulators who escaped indictment in a 1959 grand jury investigation of the \$5,000,000 United Dye stock fraud scandal.

Cohn and Gottesman are accused of lying to a 1962 grand jury that was investigating the part the two lawyers allegedly played in preventing the indictment of the four men who later pleaded guilty to fraud charges in the United Dye case.

Toughest on Garfield, Roen

Chapman was particularly vitriolic in his characterizations of Garfield and Roen, who had testified that Cohn and Morton S. Robson, then Chief Asst. U. S. Attorney, had shared a \$50,000 bribe for their part in thwarting the 1959 United Dye grand jury.

"Garfield's an admitted, convicted gambling house operator; a man who took slices of guilty

to swindling the public," he said.

"And what about Roen, manager of two gambling houses? You've got to be a pretty sharp fellow to run a gambling house for suckers."

He characterized Swann as "a convicted swindler who swindled the public of \$130,000 in the sale of phony stocks by his own admission," adding "and he becomes a principal government witness."

Gottesman is being tried on a two-count perjury indictment that charges that he lied about a Hotel Pierre meeting with Garfield and Swann on April 19, 1959—a meeting that the government contends never took place, but was concocted by the two lawyers to hide their activities in behalf of the swindlers.

Admits Shift in Testimony

Chapman conceded that his client changed his testimony several times in his three appearances before the 1962 grand jury, but said of that testimony: "It was as he knew the truth to be at that time."

He said that Gottesman was "not that insane and stupid to continue to tell lies before a grand jury, because he knew

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that if convicted on such charges "he would suffer a professional death."

The defense attorney urged the jurors to view the case "from a common-sense viewpoint" and free Goffman of the two charges, which upon conviction, could bring the lawyer a 10-year prison term and \$4,000 in fines.

Robson and Cohn both denied the charges under oath but two SEC agents testified yesterday that they worked with Glass before the 1959 grand jury and that Glass and Robson thwarted their efforts to tell their boss, U. S. Attorney S. Hazard Gillespie, that the case against the four swindlers was being improperly and faultily presented.

Today, Frank C. Raichle, Cohn's chief counsel, will use two hours in summation to plead his client's contention that the Government made a "deal" with the still-unsentenced swindlers to "get Cohn" because of his McCarthy era activities in Washington, and to urge the jury not to be a party to the "deal."

SEC files show that Glass and Robson were



# Cohn Defense Attacks Credibility of Witnesses

By JOSEPH ALVAREZ  
Of the World-Telegram Staff

Government witnesses at the trial of Roy M. Cohn and Murray E. Gottesman were characterized today as "swindlers, thieves, oily lawyers full of gas" as the defense began its summation in federal court.

Before Gottesman's attorney, Henry K. Chapman, spoke, Judge Archie O. Dawson told the jurors that the conspiracy count of the indictment against the two lawyers had been dropped, "as a matter of law."

But he said the dismissal "has nothing to do with the issues of fact in the case."

Chapman centered his attack on the credibility of prosecution witnesses Allen K. Swann, a Midwest attorney; Samuel S. Garfield, gambler and oil promoter, and Allard Roen, manager of the Desert Inn in Las Vegas.

Cohn and Gottesman are

charged with committing perjury to cover up their efforts to enable Garfield, Swann, Roen and oil promoter Irving Pasternak to escape indictment in 1959 in the \$5 million United Dye and Chemical Co. fraud. Cohn is also charged with attempting to obstruct justice.

Garfield, Swann and Roen all pleaded guilty to a subsequent indictment, but have never been sentenced. Pasternak was sentenced to 2½ years in prison but his surrender to begin the term has been indefinitely deferred.

Chapman turned the government's witnesses "the most polluted sources it would be possible to bring into a courtroom." Attempting to head off a government attack on changes in Gottesman's testimony, Chapman said his client had been able to refresh his recollection after a diary was returned to him.

Dawson is expected to give the case to the jury tomorrow.

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# One Count Dismissed By Judge in Cohn Case On 'Matter of Law'

Summations Are Scheduled Today;  
Court Plans to Deliver Charge,  
Give Case to Jury Tomorrow

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Federal District Judge Archie O. Dawson struck down one of the 10 counts in the indictment against Roy M. Cohn and Murray E. Gottesman.

The judge dismissed the first count, which charged the two New York lawyers with conspiring to commit perjury and to obstruct justice.

However, Judge Dawson denied defense motions to dismiss the other charges, which consist of three perjury counts and four obstruction-of-justice counts against Mr. Cohn and two perjury counts against Mr. Gottesman.

Judge Dawson based his decision to eliminate the conspiracy count on "a matter of law, not a matter of fact." He said Federal prosecutors were relying on the other charges in the indictment to establish the existence of a conspiracy. But, he declared, "you need something more, some indication of an agreement."

## The Real Issues

"To allow the conspiracy count to go to the jury would only confuse the jury," the judge continued. "The real issues are: Did the defendants commit perjury; did the defendants commit obstruction of justice." He cautioned counsel for both sides not to mention the dismissal of the first count in their summations today, to prevent possible implications that the dismissal bears on the facts at issue in the other counts.

The maximum penalty for each defendant on the conspiracy charge is five years in jail and a \$10,000 fine.

The perjury and obstruction-of-justice counts also carry maximum prison terms of five years each. The top fine for each perjury count is \$2,000; for each obstruction count, it is \$5,000.

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Backer yesterday, Mr. Gottesman rested his case, largely on his own testimony. The Government called five rebuttal witnesses, and then, at 3:15 p.m. on the 16th day of the trial, rested its case.

Judge Dawson allotted the entire day today for summations by the defense and the Government. He said he would take about an hour tomorrow morning to deliver his charge to the jury, and then submit the issues to it. This, he declared, would give jurors plenty of time to reach a verdict "without deliberating all night."

The remaining nine charges allege Mr. Cohn and Mr. Gottesman lied in 1962 and 1963 to a Federal grand jury and attempted to prevent it from learning the truth about their relations in 1959 with four defendants in the \$5 million United Dye & Chemical Corp. stock fraud case. Although there are no charges based on the 1959 events, the Government contends the four United Dye men hired Mr. Cohn, and through him Mr. Gottesman, to keep them from being indicted in 1959. The four men escaped that indictment, but they were indicted in 1960 and 1961 and pleaded guilty to part of the charges in 1962.

#### Appeared Before Jury

Yesterday, Mr. Gottesman testified he appeared before a Federal grand jury in June 1962 and again in July 1963, but that he didn't know until July 1963 that the Government believed he was lying about a meeting allegedly held in 1959.

He and Mr. Cohn claim they met with Samuel S. Garfield and Allen K. Swann—two of the admitted swindlers who escaped the 1959 indictment—shortly before the indictment was filed, in order to arrange a legitimate matter of legal representation. Garfield and Swann testified at the trial they never met Mr. Gottesman and that the meeting described never occurred.

Mr. Gottesman declared that discrepancies between his testimony at the trial and his statements to the grand jury were due to his inability to refresh his memory about the events in question before testifying to the grand jury.

Mr. Gottesman admitted he met with Mr. Cohn in June 1962 after receiving a subpoena to appear before the grand jury. But Mr. Gottesman said he only sought to learn if Mr. Cohn knew what the grand jury was investigating. Mr. Cohn said he didn't know, Mr. Gottesman added.

Judge Dawson asked Mr. Gottesman if Mr. Cohn suggested that Mr. Gottesman tell the grand jury about the meeting with Garfield and Swann in 1959. Mr. Gottesman replied that the 1959 meeting wasn't mentioned.

"Haven't you tried to weave a story around the irrefutable facts?" Donald J. Cohn, an assistant U.S. attorney, asked. "No, and you know it," Mr. Gottesman retorted. (The prosecutor isn't related to Roy Cohn.)

Mr. Gottesman's other witnesses were his wife and three character witnesses. Mrs. Gottesman's testimony supported her husband's in an attack on the veracity of Aillard Roen, who also escaped the 1959 indictment. Roen told jurors he never met Mr. Gottesman. But Mr. and Mrs. Gottesman testified they were dinner guests of Roen and his wife in Las Vegas in 1959.

Two of the Government's rebuttal witnesses were agents of the Securities and Exchange Commission, who helped prepare the United Dye case for prosecution. They were Allen S. Kilmer, a financial analyst, and Ralph H. Tracy, an attorney.

They testified they protested against the

omission of Garfield, Swann, Roen and Irving Pasternak from among the defendants in the 1959 indictment. They said they were dissatisfied with the way Leonard Glass, then an assistant U.S. attorney, presented the case to the grand jury, and that they asked to see S. Hazard Gillespie, then U.S. attorney for the Southern District of New York. Instead, the SEC men said, Mr. Glass took them to see Morton S. Robson, then chief assistant U.S. attorney.

The SEC agents denied Mr. Robson's earlier testimony at the trial that they agreed there wasn't enough evidence to indict the four United Dye associates. Mr. Tracy said Mr. Robson didn't comment on his opinion and kept him and Mr. Kilmer "standing at attention" throughout a 10-minute conversation.

Garfield told the trial two weeks ago he split \$50,000 between Roy Cohn and Mr. Robson for keeping the four associates out of the 1959 indictment. Garfield said Mr. Glass secretly had helped Swann prepare for testifying to the 1959 grand jury. Mr. Robson denied the allegations, but Mr. Glass wasn't available for comment.

# Summary to Begin in Cohn Case

On March 23 Judge Archie O. Dawson gave Federal Court to order, and the selection of a jury to hear the perjury-conspiracy case against Roy M. Cohn and Murray E. Gottesman began.

Today, the 18th day of the trial, that 10-man, two-woman jury will hear counsel sum up the arguments for conviction and acquittal. Tomorrow, they begin deliberation.

Instead of the original 10-count indictment, they will be considering nine counts against the two lawyers. Late yesterday, after both sides had rested, Dawson threw out a charge alleging Cohn and Gottesman conspired to lie to a 1962 grand jury and conspired to threaten other witnesses and get them to lie to the panel.

Of the remaining counts

three ~~for~~ Cohn for perjury, four ~~for~~ obstructing justice, and two ~~for~~ Gottesman for perjury. Each charge carries a maximum five-year prison term.

The sum of the government's case is that the de-

fendants persuaded the United States attorney's office to keep four men ~~from~~ being named in a 1959 stock-fraud indictment. Then the government contends, Cohn and Gottesman lied three years later when a grand jury tried to determine why the quartet had not been indicted.

Between the two dates, the four were indicted and pleaded guilty; they are awaiting sentence in the \$5 million scandal involving shares of United Dye and Chemical Corp. Two of them, Samuel S. Garfield and Allen K. Swann, testified for the prosecution.

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# Questions for Cohn Jury

By Milton Lewis  
Of The Herald Tribune Staff

## Conspiracy Count Dropped

Federal Judge Archie O. Dawson yesterday threw out the catchall conspiracy count but let stand nine others charging perjury and obstruction of justice in the Roy M. Cohn case.

Those remaining nine counts—seven against Mr. Cohn and two of perjury against his co-defendant, lawyer Murray E. Gottesman—will be submitted to the jury following the judge's charge about 11 a. m. tomorrow. Mr. Gottesman's 57th birthday. Mr. Cohn, who once prosecuted cases in the same court room, is 37. Summations will be heard today, the 17th day of a trial which began March 23.

Each count is punishable on conviction by five years in prison—and automatic disbarment.

Judge Dawson, after both defendants and the prosecution had rested, granted the defense motion to drop the charge that both defendants conspired with each other to commit perjury and obstruct justice. To leave the conspiracy count in, the court explained, would only confuse the jury of 10 men and two women. Now the jury will have to decide:

Is defendant Cohn guilty or innocent on three counts of perjury before the grand

jury and four of obstructing justice?

Is defendant Gottesman guilty or innocent on two counts of perjury before the grand jury?

The most intriguing question in the case is this: Was there a \$50,000 payoff to save four stock swindlers—and who got the cash?

Mr. Cohn and Mr. Gottesman were indicted last September by a grand jury which tried desperately to determine how four subsequently indicted and confessed members of a \$5 million stock fraud combine avoided indictment in 1959.

Two of the four testified that one-third of the \$50,000 went to Mr. Cohn and two-thirds to a man who identified himself as Morton S. Robson, a chief assistant U. S. Attorney in 1959. The money allegedly passed hands in Las Vegas in 1959. Both Mr. Cohn and Mr. Robson vehemently denied getting any part of the cash—and there were no charges filed against Mr. Robson, who also testified before the grand jury which indicted Mr. Cohn.

The trial jury ~~may also~~ be concerned about this: While

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Allen Kilmer and Ralph Tracy.

There was testimony in open court that Assistant U. S. Attorney Leonard Glass who handled the United Dye & Chemical Corp. stock fraud inquiry in 1959, fed grand jury questions in advance to one of the four swindlers who avoided indictment in 1959, there were no charges brought against Mr. Glass. He is now in private law practice and neither side called him to testify at the trial. He did appear before the grand jury. The Herald Tribune has been unable to reach Mr. Glass since his name first was brought into the testimony two weeks ago.

Mr. Gottesman, undergoing cross-examination yesterday by Assistant U. S. Attorney Donald J. Cohn (no kin to defendant Cohn), stoutly denied that he gave perjured testimony to the grand jury.

"You were attempting to weave a story around irrefutable facts in this case?" prosecutor Cohn shot at Mr. Gottesman, who answered:

"Absolutely not, Mr. Cohn, and you know that!"

Among the rebuttal witnesses put on by Assistant U. S. Attorney Gerald Walpin were two Securities and Exchange Commission agents,

Mr. Robson had previously testified that they agreed with him in 1959 that there was insufficient evidence then to indict Samuel S. Garfield, Allard Roen, Allen K. Swann and Irving Pasternak. But the two SEC agents gave an entirely different version, maintaining that there was plenty of evidence.

Both SEC agents gave this sworn testimony:

They went to see Mr. Glass in 1959, who was working with the grand jury investigating the stock fraud. Mr. Glass told them there was not enough evidence to indict Garfield and his pals. They told Mr. Glass they would like to see his boss, U. S. Attorney S. Hazard Gillespie. Instead, Mr. Glass took them to see Mr. Robson, who, according to the agents, didn't even extend the courtesy of asking them to sit down.

But it had been previously brought out, when Mr. Gillespie was on the stand last week, that it was he (Gillespie) and he alone who made the decision not to indict Garfield and his crooked friends, in 1959. They were indicted the following year, while Mr. Gillespie and Mr. Robson, Republican appointees, were still in office. According to Mr. Robson and defendant Gottesman, they admitted being close friends.

(Mount Clipping in Space Below)

**Cohn Conspiracy Count Voided;  
Case Will Go to Jury Tomorrow**

By HOMER BIGART

The conspiracy charge in an indictment against Roy M. Cohn and Murray E. Gottesman was dismissed yesterday by Federal Judge Archie O. Dawson. But Judge Dawson refused to dismiss nine other counts alleging perjury and obstruction of justice.

He said he would give the case to the jury of 10 men and two women tomorrow morning after hearing summations today.

On the nine remaining counts, three cite Mr. Cohn for perjury, four cite him for obstruction of justice, and two charge Mr. Gottesman with perjury.

Mr. Cohn, former counsel to the late Senator Joseph R. McCarthy, could still receive a maximum jail sentence of 35 years. But the throwing out of the conspiracy count was con-

sidered a blow to the Government. Now the Government must prove that the two defendants actually lied, rather than conspired to lie, to a 1962 Federal grand jury, and that Mr. Cohn actually threatened, rather than conspired to threaten, other grand jury witnesses.

The Government charged that Mr. Cohn and Mr. Gottesman lied in order to cover up their efforts in 1959 to enable four stock swindlers to escape indictment in a \$5 million scandal involving United Dye and Chemical Corporation stock.

Two of the stock swindlers testified that a \$50,000 payoff for "fixing" the indictment was split between Mr. Cohn and Morton S. Robson, former chief assistant United States Attor-

(Indicate page, name of newspaper, city and state.)

1 NEW YORK TIMES

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Author: HOMER BIGART  
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ney. Mr. Robson, who appeared as a defense witness, denied receiving any payoff, and his testimony was supported by another witness, S. Hazard Gillespie, who was a United States Attorney in 1959. Mr. Gillespie, an Eisenhower appointee, said that he alone had made the decision to keep the four off the indictment.

To repair the damage done by the Gillespie testimony, the Government called as rebuttal witnesses two agents of the Securities and Exchange Commission, who said they urged the indictment of the four men but were blocked by Mr. Robson and Leonard Glass, then an assistant United States Attorney in charge of the United Dye case.

The S. E. C. men, Allen S. Kilmer, financial analyst, and Ralph H. Tracy, a lawyer, said they disagreed strongly with the way Mr. Glass was presenting the United Dye case to the grand jury in 1959. They found him reluctant to ask for the indictment of the four swindlers: Samuel S. Garfield, gambler and oil promoter; Al-lard Roen, manager of the Desert Inn in Las Vegas; Irving Pasternak, oil promoter, and Allen K. Swann, a Midwest attorney.

They testified that when they asked Mr. Glass to take them to Mr. Gillespie for a showdown, Mr. Glass took them instead to Mr. Robson. In Mr. Robson's office they were not even invited to sit down, they testified. Mr. Robson kept them standing while they argued for 5 or 10 minutes that the United Dye indictment would be gravely weakened without the inclusion of Garfield, Roen, Pasternak and Swann.

#### Robson Contradicted

The S.E.C. men contradicted Mr. Robson's testimony that they agreed at this meeting that the evidence against the four men was insufficient to warrant indictment. The four were not indicted in 1959 but were indicted in 1960 when Mr. Gillespie and Mr. Robson were in office. The four pleaded guilty in 1962.

Judge Dawson threw out the conspiracy charge after both sides rested at 3:30 P.M. He said the Government had failed to prove the existence of an agreement between Mr. Cohn and Mr. Gottesman to commit perjury and obstruct justice. The conspiracy count would only confuse the jury, he said.

The judge's decision was not a surprise, for early in the trial he had referred to the conspiracy count as "amorphous."

In arguing successfully for dismissal of the conspiracy count, Mr. Cohn's lawyer, Frank Raichle, cited the reversal by the United States Court of Appeals in 1960 of conspiracy convictions of 20 men who attended the 1957 meeting at Apalachin, N.Y.—the purported conference of Mafia leaders.

Judge Dawson agreed with Mr. Raichle that the fact that Mr. Cohn and Mr. Gottesman had a breakfast meeting soon after the latter was handed a grand jury subpoena was not sufficient to sustain the conspiracy count.

Mr. Raichle tried to persuade the judge to throw out other counts that charged that Mr. Cohn had tried to "intimidate" witnesses. All Mr. Cohn had done, Mr. Raichle argued, was to broadcast warnings that he would expose persons who were lying about him to the grand jury.

Judge Dawson said he would leave it to the jury to decide whether the alleged threats made by Mr. Cohn were "corrupt threats", that is, threats designed to impel witnesses to give false testimony.

Earlier yesterday Mr. Gottesman completed his testimony. Under cross-examination he conceded that he had changed his testimony at several points regarding a purported hotel room meeting in 1959 with the four who later confessed themselves to be swindlers. The Government contends that this meeting never occurred, that it was fabricated by Mr. Cohn and Mr. Gottesman to give a cloak of legality to their efforts to obstruct justice.

(Mount Clipping in Space Below)

# Perjury Trial- Of Roy Cohn Going to Jury

By TED POSTON and IRVING LIEBERMAN

A jury of 10 men and two women today begins deliberations in the perjury and obstruction-of-justice trial of Roy M. Cohn and Murray E. Gottesman.

Federal Judge Dawson's charge, expected to be concluded early, climaxes 17 days of testimony on nine counts of an indictment charging that the two lawyers lied to a 1962 federal grand jury. The panel was trying to find out if an earlier grand jury had been "fixed" to prevent the indictment of four confessed stock swindlers.

The government ended its case late yesterday when Asst. U. S. Attorney Walpin told the jury:

"You have heard, ladies and gentlemen, one of the most clever, brazen attempts in the history of the administration of justice to obliterate the truth, to prevent the grand jury from finding out the facts on a serious charge.

"You have heard the defendants Cohn and Gottesman lie before your very eyes. The government asks but one thing—that you decide the case on the evidence, on the issues, on the facts and on the truth."

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4 NEW YORK POST

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#### **U.S. Continuing Probe**

Walpin's concluding words were almost an anti-climax to his revelation earlier during his summation that the government intends to probe further into the 1959 United Dye stock scandal case which precipitated the Cohn-Gottesman inquiry.

The prosecutor hinted that the extended inquiry might look into possible roles in the 1959 case which prosecution witnesses attributed to former Chief Asst. U. S. Attorney Morton S. Robson and Asst. U. S. Attorney Leonard Glass.

"The statute of limitations has not run out on what happened in 1959," he said. "There are very serious questions about what happened in connection with the 1959 United Dye and Chemical Corp. case."

#### **Answer to Defense?**

Walpin's statement came after Frank Raichle, Cohn's defense counsel, had twitted the prosecution for not calling Glass to the stand. One witness had testified that the Asst. U. S. Attorney had written out questions for one accused manipulator who appeared before the grand jury in behalf of his three confederates.

(Mount Clipping in Space Below)

## Jury Now Ready To Deliberate Cohn's Future

The future of Roy M. Cohn goes to a jury of 10 men and two women today in the United States Court House in Foley Square.

The onetime chief counsel to the permanent subcommittee on investigations under the late Sen. Joseph R. McCarthy stands accused of perjury and attempting to obstruct justice by his purported efforts to help four swindlers escape indictment in a 1959 grand jury investigation into the handling of United Dye and Chemical Corp. shares.

To Cohn, 37, the roots of the trial twine deep into the past, where they brush the career of a young lawyer named Robert F. Kennedy, who also served on the subcommittee staff.

When words no longer served to illustrate the depth of their mutual esteem, the two squared off one day in 1954 to hammer home their points with fists.

### 'Vendetta Charged'

Today, Cohn sees his troubles in the form of a "vendetta" by the same Kennedy, who is the United States Attorney General.

"Everyone knows Bobby Kennedy has been after me ever since our days together on the McCarthy committee staff, says Cohn.



Roy M. Cohn

(Indicate page, name of newspaper, city and state.)

1 NEW YORK WORLD  
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Joined with Kennedy, as Cohn sees it, is United States Attorney Robert M. Morgenthau. It was the U.S. attorney's office that ordered a mail watch on Cohn, his attorney Thomas A. Bolan, their law firm and on Cohn's co-defendant, attorney Murray E. Gottesman.

Judge Archie O. Dawson found the mail watch "shocking" but insufficient grounds for dismissing the indictment.

#### Gambler Prime Witness

The prime witnesses for the government during the 18 days of the trial were Samuel S. Garfield, a gambler and oil promoter; Allard Roen, manager of the Desert Inn in Las

Vegas, and Allen K. Swann, a Midwest lawyer.

All three escaped indictment in the 1959 investigation, although they were subsequently indicted. In 1962 the three, joined by Garfield's partner, Irving Pasternak, pleaded guilty to conspiracy to violate the security laws in the \$5 million stock fraud case.

Garfield, Roen and Swann, characterized by a defense attorney as "thieves, swindlers and oily lawyers full of gas," have never been sentenced. Al-

though Pasternak, who did not testify at the Cohn-Gottesman trial, has been sentenced, his surrender to begin his 2½-year jail term has been deferred indefinitely.

#### Bribe Denied

There are at least two central questions for the jury to decide. Did Garfield, as he testified, pay Cohn \$16,666 to escape the indictment, and did he arrange with an associate to pay more than \$33,000 through Roen to former chief assistant U.S. attorney Morton S. Robson at the Desert Inn for the same purpose?

Robson testified that he absolutely did not accept the bribe, and what is more, has never been in Las Vegas.

The second crucial point concerns whether Cohn and Gottesman ever met with Swann on Aug. 19, 1959 in Garfield's room in the Hotel Pierre.

The prosecution maintains that such a meeting was concocted by the defense as an effort to conceal the attempted fix. The defense maintains that the meeting was held, and that Cohn and Gottesman were acting in their capacity as attorneys in advising Swann before he testified before the grand jury.

After both sides had rested, Dawson dismissed the conspiracy count of the indictment against Cohn and Gottesman.

Calling for conviction yesterday, Assistant U.S. Attorney Gerald Walpin accused Cohn of devising a "tangled web of deceit" and Gottesman of changing his story again and again. Both defendants lacked documentary evidence to support their stories Walpin declared.

# Cohn Prosecutor Eyes Stock Gyp

By NORMA ABRAMS and SIDNEY KLINE

Whatever the outcome of the trial of attorneys Roy M. Cohn and Murray E. Gottesman on charges of perjury and attempting to obstruct justice, another federal grand jury will dig into the tangled mess which obscures the \$5 million United Dye & Chemical Corp. stock swindle, the federal prosecutor said yesterday.

Summing up for the government on the eve of the day when the jury before Federal Judge Archie O. Dawson will get the case, Assistant U. S. Attorney Gerald Walpin said that serious accusations against former Assistant U. S. Attorneys Morton S. Robson and Leonard Glass made it imperative that a grand jury "investigate to the hilt" for the truth.

## Statute of Limitations

"The five-year statute of limitations has not yet expired on what happened in 1959," said Walpin.

Cohn and Gottesman are accused of having lied to, and attempted to influence the testimony of other witnesses before, a 1962 grand jury. The jury sought to determine why four stock swindlers were not included in a 1959 indictment handed down in the United Dye scandal.

The four—Samuel S. Garfield, Irving Pasternak, Allard Roen and Allen Swann—subsequently were indicted and pleaded guilty. Garfield, Roen and Swann were prosecution witnesses in the case against Cohn and Gottesman.

The prosecution contended that

a \$50,000 bribe was passed just before the Aug. 25, 1960, indictment was handed up, and that Robson got \$33,333 and Cohn \$16,666 of it. On the stand, Robson and Cohn sharply denied the charge.

Defense counsel — Henry R. Chapman for Gottesman and Frank Raichle for Cohn—heapd ridicule on the prosecution witnesses.

"In this case," said Chapman, "you have heard evidence from the most polluted sources — swindlers, thieves, oily lawyers full of gas."

And, of the effects of a conviction on Gottesman, he said: "This is a capital case. My client, if convicted, suffers professional death."

Raichle said much the same thing concerning Cohn, whose income was estimated by a law partner at \$250,000 a year. Cohn's whole future depended on the verdict, said Raichle.

## "With a Little Prayer"

He added:

"As I pass on to you what has been in my hands, the future of this young man, I do it with

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a little prayer that the Almighty who has summoned you from among the many will endow you with judgment and bless you with the courage to decide this case on the evidence and in accordance with law."

Walpin, for the government, defended the witnesses. "The government did not choose them," he



(NEWS photo by Jack Tremlin)

**Roy Cohn leaves Federal Court**

said. "It is the people who commit crimes who chase the people they deal with."

#### **Called Evasive**

Walpin stressed that both Cohn and Getteman lacked documentary evidence to support the stories they told on the stand. He said that Cohn was evasive and told half-truths, and that Getteman had changed his story many times, and he called for punishment.

This morning, Davison will make his charge and return the case to the jury at 10 a.m. and the witness.

# Cohn-Gottesman Perjury Trial

By Milton Lewis  
Of The Herald Tribune Staff

## A Summing Up

The jury, which gets the Cohn-Gottesman perjury case this morning, heard rather conflicting views yesterday during six hours of summations.

Where the defense accused the government of having used "polluted sources—swindlers, thieves, oily lawyers full of gas," the prosecution called Roy M. Cohn and Murray E. Gottesman "brazen" liars who perjured themselves before both the grand jury and the trial jury.

The Federal Court summations were peppered with references to two former assistant U. S. Attorneys who are not on trial—Morton S. Robson and Leonard Glass. There had been testimony during the 17-day trial—denied by Mr. Robson—that in 1959 he split a \$50,000 payoff with Mr. Cohn to keep four stock swindlers from indictment. Mr. Cohn also swore it was untrue.

There also had been testimony—with Mr. Glass not coming forward to deny it—that while he was in charge of the 1959 grand jury investigating the \$5 million United Dye & Chemical Corp. securities swindle, he fed grand-jury questions in advance to one of the four swindlers, all of whom subsequently confessed.

Assistant U. S. Attorney Gerald Walpin, 32, in his three-hour wrap-up, made it plain that the government is not at all finished with what went on in 1959 and made

the point that the statute of limitations for obstruction of justice does not run out until August this year. He also said, referring to Mr. Cohn and Mr. Gottesman: "These defendants prevented them (a 1962 grand jury) from getting the full facts."

Mr. Cohn, 37, counsel 10 years ago to the McCarthy Senate Investigating Committee, is charged with three counts of perjury and four of obstructing justice in that he allegedly threatened and/or influenced witnesses to give false grand-jury testimony in 1962. Mr. Gottesman, 57, today, and also a lawyer, is named in two perjury counts.

It was Henry K. Chapman, counsel for Mr. Gottesman, who led off the summations in a court with 126 seats filled to capacity. It was he who spoke of the "polluted sources" during his one-hour before the panel of 10 men and two women. Mr. Chapman argued that his client, a veteran criminal lawyer, had not committed perjury before the grand jury; he had only uttered "inaccuracies because of the lack of records."

"I don't want to ask where Mr. Glass is," Mr. Chapman said. "I know where he should be. We'd be crazy to bring him in."

Frank G. Raichle, Mr. Cohn's chief counsel, noted

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that "Leonard Glass . . . is conspicuous by his absence here." Mr. Raichle called the key government witnesses "driven" and "evasive," and wondered why the government did not put U. S. Attorney Robert M. Morgenthau on the stand. Mr. Cohn has charged that Mr. Morgenthau and Attorney General Robert F. Kennedy conspired to "get" him.

Mr. Raichle took the view that this was the crux of the case: S. Hazard Gillespie, who was U. S. Attorney in 1959, testified at the trial that it was he (Gillespie) who made the decision not to indict the four stock swindlers. Mr. Raichle called the counts and testimony against Mr. Cohn as of the "scatter-gun" variety and hit hard at the testimony of three prose-

ution witnesses—Samuel S. Garfield and Allard Roen, two of the confessed stock swindlers, and William D. Fugazy, once a close associate of Mr. Cohn's.

Well, prosecutor Walpin responded after listening to Mr. Raichle for two hours, these three people were close friends of Mr. Cohn's and it was Mr. Cohn who picked his friends and business associates, not the government.

Judge Archie O. Dawson will begin his anticipated one-hour charge at 10 a. m. today.